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BURMA REFORMS COMMITTEE

FROM

THE HON'BLE MR. A. F. WHYTE,
Chairman, Burma Reforms Committee,

TO

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

Dated Rangoon, the 14th December 1921.

YOUR EXCELLENCY,

I have the honour to submit herewith the Report of the Burma Reforms Committee for transmission to the Secretary of State for India.

I have the honour to remain,

Your Excellency's most obedient servant,

A. F. WHYTE,
Chairman, Burma Reforms Committee.

BURMA REFORMS COMMITTEE

1921

LIST OF MEMBERS.

CHAIRMAN.

The Hon'ble Mr. A. F. WHYTE.

MEMBERS.

Mr. R. E. V. ARBUTHNOT, I.C.S.

The Hon'ble MAUNG PO BYE, K.S.M.

Mr. P. P. GINWALA, M.L.A.

Mr. F. MCCARTHY, C.B.E., M.L.A.

MAUNG MYINT, M.L.C.

Dr. SAN C. PO, M.D., M.L.C.

Mr. S. A. SMYTH, I.C.S.

SECRETARY.

Mr. J. E. HOULDEY, I.C.S.

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REPORT.

CHAPTER I.

TERMS OF REFERENCE.

1. The terms of reference to the Committee were as follows :—

1. With the sanction of His Majesty, previously signified by the Secretary of State for India in Council, the Governor-General of India in Council has, by notification, issued under section 52A of the Government of India Act, constituted Burma as a Governor's province, The Committee will advise as to the rules which should now be made in order to apply the provisions of the Government of India Act relating to Governors' provinces, as modified by the notification, to Burma.

2. In particular the Committee is requested :—

A. In regard to the provincial legislative council—

- (1) to advise on franchises and constituencies with the object of securing as broad a franchise and as representative a council as present circumstances in Burma permit ;
- (2) to devise means for direct election as far as possible ;
- (3) to advise how far representation can be adequately and effectively secured by territorial electorates, or, where circumstances seem to require it in order to secure adequate representation of minorities, of special interests or of backward classes, by
 - (i) special or communal electorates ; or
 - (ii) reserving elective seats for special classes in plural constituencies ; or
 - (iii) nomination in such measure as the exigencies of fair and adequate representation entail ; or
 - (iv) other expedients, for instance, proportional representation, etc.;
- (4) to advise as to the number of nominated official members ;
- (5) as a result of (1) to (4) to propose a complete scheme for size and composition of the provincial council.

In making their recommendations under this head the Committee will have regard to the observations of the Standing Joint Committee on Indian affairs in their second report and to the principles and details embodied in the electoral rules for other provincial councils framed under section 72A of the Government of India Act in so far as they find in these rules materials for their guidance.

The Committee will also under this head have regard to the areas where there is as yet no material on which to found political institutions and will make recommendations as to their treatment under section 52A (—) of the Government of India Act.

B. In regard to the Indian Legislature :—

To advise in what respects (if any) the existing electoral rules for the Legislative Assembly and the Council of State applying to Burma should be amended.

In considering this head also the Committee will have regard to the observations of the Standing Joint Committee in the report already mentioned and, in so far as they may find in them material for guidance, to the rules for election to the two chambers of the Indian Legislature which apply to other provinces.

C. In regard to the functions to be exercised by the Local Government of Burma and its relations with the Governor-General in Council and the Secretary of State :—

To advise in the light of the report of the Standing Joint Committee already referred to and of the evidence they obtain in Burma in what respects (if any) the rules framed for other Governors' provinces under sections 45A, 30 (1A), 52 (3), 80A(3) (a) and (b), 81A(1) and 134 of the Government of India Act require amendment in order to make them applicable to Burma.

The rules referred to already demarcate a division of functions between the Government of India and the Provincial Government in Burma. In view of the isolation of Burma from the rest of India the Committee may find it desirable to recommend in particular an amendment of this division which would have the effect of making certain subjects which are at present Central into functions of Local Government and local legislature in Burma, i.e., transferring certain subjects from Central to Provincial list. The Committee should regard itself as competent to include in their recommendations any amendments of this nature which appear to them in the particular circumstances of Burma as necessary or desirable.

3. The Committee will submit their report through the Government of Burma to the Governor-General in Council who will forward it with his observations and recommendations and those of the Government of Burma to the Secretary of State in Council.

CHAPTER II.

INTRODUCTION.

2. The announcement made in the House of Commons by the Secretary of State for India on 20th August 1917 marked a new era in the history of India.

This was just as true of Burma as of other provinces of the Indian Empire. In fact the political awakening which followed this announcement was probably more marked in Burma than in any part of the Empire. Prior to August 1917 political consciousness was practically non-existent and the number of persons who really took any interest at all in politics, probably did not exceed a few score. Evidence of this political awakening is to be found in the fact that during Mr. Montagu's visit to India, a deputation from Burma waited upon the Secretary of State for India, and for the first time put forward a demand for some more popular form of Government in Burma.

After a lapse of rather more than four years, interest in politics is developing with a rapidity which is greater even than the rate of political development in India. The announcement of 20th August 1917 was followed in due time by the report on constitutional reforms prepared by the Right Honourable Mr. E. S. Montagu, Secretary of State for India, and His Excellency Lord Chelmsford. This report was published on 22nd April 1918.

Regarding Burma the distinguished authors of the report said in paragraph 198 of the report :—

*Reference to
Burma in
the Joint
Report.*

"We have not included Burma in our scrutiny except in so far as, while that province remains part of the Indian polity as for military reasons it must, it is necessary to provide for its representation in the Central Government. Our reasons are that Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance the application to Burma of the general principles of throwing open the public service more widely to Indians would only mean the replacement of one alien bureaucracy by another. The desire for elective institutions has not developed in Burma; the Provincial Legislative Council as constituted under the Morley-Minto Schemes has no Burman elected element, and the way is open for a different line of development. There was also a practical reason for not proceeding to investigate the particular conditions of Burma in the fact that one Lieutenant-Governor of Burma had recently laid down, and a new Lieutenant-Governor assumed office. When our proposals are published there will be an opportunity for the Government and people of Burma to say how far they regard them as applicable to their case. We therefore set aside the problem of Burma's political evolution for separate and future consideration."

*The
Lieutenant-
Governor's
tentative
Scheme of
Reform.*

3. On the publication of this report the Lieutenant-Governor of Burma took steps by means of informal conferences to ascertain the views held in Burma on the subject of Constitutional Reform, and subsequently in a resolution, dated the 17th December 1918, he published for criticism and discussion a tentative scheme of reforms

It may be convenient to remark here that the Burma Legislative Council was created in 1897. As first constituted it consisted of nine members, four of whom were officials. In 1909 the membership of the Council was increased to 17 and in 1915 to 19. The number is now 30, of whom 12 are officials. As late as 1916 the only elected members of the Council were two Europeans (representing the Burma Chamber of Commerce and Rangoon Trades Association) and the sole representatives of indigenous races were two Burmans, one Karen and a Shan Chief. In the Council as it stands at present there are nine Burmans, but with the exception of the two European members mentioned above, the elective principle is still non-existent.

*The
considered
Scheme.*

The tentative scheme mentioned above was published for criticism in General Department Resolution No. 1L.-7, dated the 17th December 1918. In June of the following year after consideration of the opinions which the scheme had elicited, the Lieutenant-Governor submitted to the Government of India his formal proposals for a new constitution. These proposals are fully set out in the Local Government's letter of the 2nd June 1919. They included a wide extension of local Self-Government by providing for the creation of Circle Boards and District Councils, for the extension of the electoral principle to all Municipalities and for the election of non-official Presidents of Municipalities.

Outside the realm of purely local administration the Local Government's scheme provided for a Provincial Legislative Council to be styled the Burma Legislative Assembly consisting of 56 elected and 36 nominated members.

The elected members included 31 rural and 19 urban representatives. Of the remaining six, three were to be elected by particular interests, and three by a communal electorate of Europeans and Anglo-Indians.

As regards the method of election, it was decided that direct electorates were still impracticable. The only persons who were given a direct vote were the Municipal voters. For purposes of returning urban members towns were grouped into constituencies. Five members were allotted to a constituency consisting of Rangoon and the neighbouring towns of Insein and Syriam, two to the joint constituency of Mandalay and Maymyo, one each to Akyab and Moulmein, while the remaining ten were allotted one each to groups of towns. Some of the groups consisted only of two towns, while one numbered as many as eight. The rural representatives were allotted one to each district which was to have a District Council. The electorate for these rural representatives was to consist of the members of Circle Boards, to whom would be added the members of Municipal Committees of those small towns or notified areas which were too unimportant for inclusion in an urban group.

The nominated members were made up as follows :—

Fourteen non-officials nominated by the Local Government for races or interests inadequately represented by the elected members	...	...	...	14
Two experts, official or non-official	...	...	...	2
Twenty officials	...	...	...	20

The original tentative scheme had provided for communal representation for Indians and Chinese in the Rangoon constituency, while the number of nominated non-officials was only five. In the considered scheme communal representation for Indians and Chinese was eliminated, and the number of nominated non-officials raised to fourteen. Of these fourteen, one was allotted to each of the eight Civil Divisions. It was thought that this provision would be sufficient to safeguard the interests of minorities, who might fail to secure election of representatives in the general constituencies.

The power of the Governor to ensure the passing of legislation considered to be of essential importance was to be secured by providing that measures certificated by the Governor should become law unless opposed by a majority of two-thirds of the Assembly. The resolutions of the Assembly on whatever subject were to have the effect only of recommendations to the Local Government, but it was contemplated that in practice the Local Government would not disregard the clearly expressed wishes of the Legislature, except on matters regarded as essential for the maintenance of peace and security.

The most distinctive feature of the scheme however was the proposal for the creation of a system of Boards, four in number, to which were to be delegated wide powers in a number of subjects of administration. Each board was to be presided over by a non-official President.

As a result of the publication of the Southborough report in the early part of 1919, some slight modifications in the proposed scheme were suggested in a letter from the Local Government, dated 28th August 1919. They dealt mainly with European and Anglo-Indian, and also with commercial representation, and beyond saying that they were designed to bring the Burma Council more into line with the Councils suggested for India by Lord Southborough's Committee, it is unnecessary to discuss them.

4. Meanwhile interest in politics in Burma had been increasing apace. Though there was still a certain amount of Burmese opinion which regarded the Local Government's proposals as conferring a degree of Self-Government greater than any that could reasonably have been expected, the Burmese political associations condemned the scheme as totally insufficient to satisfy the legitimate aspirations of the Burmese people.

*The first
Burmese
deputation
to England.*

As a result a deputation was dispatched to England on 7th July 1919 to plead the Burman cause before the Secretary of State, and ask for more liberal treatment on lines proposed by the General Council of Young Men's Buddhist and Allied Associations. This deputation was originally not even instructed to go so far as to ask for dyarchy. Subsequently at a public meeting held in the Jubilee Hall on 17th August 1919 a resolution was passed supporting the deputation, and urging them to ask for the inclusion of Burma in the Government of India Bill—in other words for dyarchy, though failing that, the meeting was prepared to accept reforms on the lines indicated by the General Council of Young Men's Buddhist and Allied Associations.

*The Govern-
ment of
India's
Scheme.*

5. The Government of India considered Sir Reginald Craddock's scheme, and after indicating what they considered the points on which it was open to objection, invited a further expression of his views from the Lieutenant-Governor. The further views of the Lieutenant-Governor were submitted in a letter, dated 22nd January 1920. These proposals contained certain suggestions for the modification of the constitution of the proposed Boards, and of the form of Executive Government generally : these suggestions being designed to meet the criticisms of the Government of India. The Government of India, however, were unable to admit that their objections to the original scheme had been fully met. They considered that the system proposed was still open to objection on the ground that at bottom all real power was retained in the hands of the head of the Government. They were not convinced that the establishment of an Executive Council was impracticable, and were unable to accept the proposal which formed part of the scheme, that Burma should not be represented on the Legislative Assembly. Accordingly Sir Reginald Craddock was invited to Delhi to discuss the whole subject with the Government of India. As a result the Government of India submitted in despatch No. 1 of 1920, dated the 25th March 1920 a fresh scheme, which Sir Reginald Craddock, the Lieutenant-Governor of Burma, consented to accept in place of his own.

*The Second
Burmese
deputation.*

This scheme coincided with Sir Reginald Craddock's scheme in so far as the Legislature was concerned. But in place of the Boards of the Local Government's scheme it proposed that the Government of Burma should in future consist of a Governor and an Executive Council of six members, and that the Executive Council should be divided into three Committees each consisting of two members, one official and one non-official. The scheme still made no provision for responsibility to the legislature. With a view to recognising the distinctive position of Burma in the Indian Empire it was proposed to alter the designation of the Viceroy to that of Governor-General of India and Burma. The scheme was a distinct advance on that originally proposed, but it failed again to satisfy the aspirations of the political party in Burma. Accordingly a second deputation was dispatched to England in May 1920. This deputation again demanded for Burma the system of dyarchy which had been introduced into India. We emphasise this point, because the exact measure of reform for which this deputation asked has at length been introduced, and as we shall show later the very bodies who dispatched two deputations to ask for this measure of reform have now decided to decline to accept it. This deputation returned to Burma towards the end of the year 1920.

*The
Secretary
of State's
proposals.*

6. The Secretary of State for India was unable to accept the scheme submitted by the Government of India and finally decided on the application of the Government of India Act to Burma. In doing so he reserved for an open enquiry by a Special Committee in Burma (a) the franchise and constitution, (b) the subjects to be transferred for administration by Ministers, and (c) the modifications either in principle or detail that might be required in the rules framed for India under the Act, to make them suitable for Burma.

The suggestions of the Secretary of State were accepted by the Standing Joint Committee on Indian affairs in their second report, dated the 25th May 1921. The Secretary of State had at first proposed to proceed by means of a bill to be passed through both houses of Parliament, who would thus be enabled to determine with reference to all the material available, the form of constitution which was

best suited for Burma. It was however subsequently decided that, in view of the pressure on the time of the two Houses and of the fact that the Joint Parliamentary Committee had reported in favour of the plan proposed by the Secretary of State, procedure by notification under section 52A of the Government of India Act, was preferable as being the more expeditious method. Accordingly a notification under this section constituting Burma a Governor's Province appeared on 7th October 1921, and we were appointed as the Committee, foreshadowed in the Secretary of State's recommendations, to advise as to the rules which should be made in order to apply the provisions of the Government of India Act, relating to Governors' provinces to India.

7. Before arriving in Burma, the Chairman issued an informal invitation to give evidence, to a number of societies, associations and individuals. This was followed by a more formal invitation to which was attached a copy of the terms of reference. The bodies and persons addressed were invited to submit a précis of the evidence, if any, which they proposed to give. The Chairman having arrived in Burma, the Committee assembled in Rangoon on November 2nd, 1921, and at a preliminary meeting held on that date discussed the procedure to be followed. The examination of witnesses began in the Masonic Hall, Rangoon, on November 4th, the proceedings being open to the Press and public. With the exception of the Hon'ble Maung Po Bye all the members of the Committee were present throughout our enquiries. Maung Po Bye was unfortunately prevented by illness from attending the early sittings of the Committee, but was able to take his place on November 9th. The Committee continued the examination of witnesses in Rangoon until November 12th and then left for Mandalay which was reached on November 13th. The public examination of witnesses was continued there till November 19th on which date the Committee left for Moulmein arriving late on the 20th.

Method of Enquiry adopted.

Witnesses were examined on November 21st and 22nd and the Committee left Moulmein on the 23rd arriving in Rangoon on November 24th. The examination of witnesses was continued here till November 26th when the Committee proceeded to Bassein. After examining witnesses for two days we returned to Rangoon where we completed the recording of evidence on December 3rd.

We have kept a record of the evidence given before us, and deposited it with the Local Government.

The names of the witnesses and in the case of representative witnesses of the bodies or associations on whose behalf they appeared will be found in Appendix III to this report.

The total number of witnesses examined by us was 101, made up as follows:—

<i>Official</i> :—	European	...	...	23
	Burmese	...	...	12
<i>Non-official</i> :—	European	...	...	7
	Burmese	...	...	19
	Indian	...	...	12
	Karen	...	...	11
	Anglo-Indian	...	...	7
	Zerbadi	...	...	5
	Chinese	...	...	5
Total				101

In Appendix IV will be found the original proposals of the Local Government.

8. In reply to the original invitation issued by the Chairman, the General Council of Burmese Associations, definitely announced their intention of boycotting our Committee. This attitude has throughout our enquiry been maintained by various societies and individuals who own allegiance to the General Council. Several Indian associations adopted the same policy. In the case of Indians we record with regret that we have had before us indubitable evidence that threats and intimidation were employed to prevent those who really wished

The Boycott of our Committee.

to give evidence, from appearing before us, while in the case of the Burmese, there can be no doubt that many who would gladly have appeared before us were deterred from doing so by fear of the treatment which they might receive at the hands of those of their fellow countrymen who had adopted a policy of non-participation.

No small degree of credit is due to those non-official witnesses both Burmese and Indian who displayed the courage of their convictions and refused to allow themselves to be silenced by the boycott.

We believe that when the results of our labours are made public, wiser counsels will prevail, and that the purely negative attitude at present adopted by certain sections in Burma, will give way to the co-operation of all in the endeavour to give the new constitution an auspicious inauguration. The attitude of distrust in which we found certain sections of Burmese opinion is due to causes which lie beyond our scope, but we consider it not impertinent to place the following brief statement on record.

*The political
situation in
Burma.*

9. Paragraph 198 of the Joint Report, quoted above, was written at a time when movements of political opinion in Burma were only visible as uncertain phenomena on a distant horizon. To-day these movements are no longer distant, but form part of the daily preoccupation of Burman and European alike. Predictions regarding the political future in Burma freely made and almost universally accepted say five years ago, *e.g.*, on the date of the Secretary of State's famous pronouncement on Indian policy, were still current in 1919, but have now been proved false by events. The record of our evidence contains convincing proof that the political awakening of Burma is not only a fact of profound significance, but that it has come about with astonishing rapidity. Its influence is nowhere more clearly shown than in the successive modifications which the constitutional proposals of the Local Government have undergone since Sir Harcourt Butler, then Lieutenant-Governor, set up his Committee in 1916 to enquire into the reform of the Legislative Council. We have referred above to these changes and only glance at them here to show that official policy may be said to have advanced and developed with the changing times.

Not the least important factor, moreover, in the ripening of Burmese opinion has been the constitutional progress of India. The politically-minded Burman, while loth to accept any Indian model, watched the incubation of Indian Reforms with a not unpardonable jealousy; and when he saw from afar the inauguration of the new Legislatures at Delhi and elsewhere in February 1921 by His Royal Highness the Duke of Connaught, his national pride suffered a shock at the exclusion of his own Province.

The influence of Indian affairs did not, however, stop there. Certain decisions regarding the electoral and representative parts of the new Indian Constitution appeared in his eyes to be influenced by considerations which hardly applied to Burma. On this point most of our Burmese witnesses have been at pains to lay some stress, and it will be seen from our electoral recommendations that we attach weight to their opinion.

On other aspects of constitutional reform there has been no small amount of controversy. The relative merits of Dyarchy and Home Rule have been canvassed in a manner which shows an ever-spreading interest in politics, but which also suggests that even the politically-minded Burman regards the former as the enemy of the latter and has not fully understood either the principle of Dyarchy, or its present operation in India where developments of great significance are in progress.

*The peculiar
needs of
Burma.*

10. We feel bound to record these facts in order to show that, on its political side, our task has been hardly less important, as far as Burma is concerned, than that undertaken by the distinguished authors of the original Joint Report. And since the present relationship between India and Burma naturally, but in our opinion unfortunately, leads to the application of arguments and analogies from the former to the latter, we consider it relevant and essential to place the following considerations before the Secretary of State and the Imperial Parliament.

In the resolution of the Local Government, dated 17th December 1918

already referred to the following passage describes some of the more important factors of the problem before us :—

" 2. The deliberate exclusion of Burma from consideration when the scheme of Indian Constitutional Reforms was formulated was not in any way intended to deprive the province of the measure of reform to which its circumstances entitle it. The Burmans have accepted the existing administration and have co-operated loyally in the endeavour to make it both efficient and consonant with the needs and conditions of the country. Their confidence and trust in the guidance of their British officers, and their very abstinence from acute political agitation with its inevitable outcome of mistrust and discord so far from debarring them from a claim to share in the advance towards responsible government, rather the more justified the bestowal on them of the highest degree of self-government which they are competent to exercise. In weighing the conditions of the province, the manifest advantages enjoyed by Burma as compared with other Provinces must be placed in the balance against the deficiencies of which no reasonable Burman will deny the existence. Thus Burma has not yet undergone the same amount of training in public affairs, whether in respect of rural boards, municipalities, or the higher sphere of the Legislative Council, that has fallen to the lot of most parts of India. Further, the incorporation of Upper Burma in the British Empire is of comparatively recent date, and it is not so many years since portions of Lower Burma were administered as distant appanages of Indian provinces. Secondary and higher education have not therefore in Burma the same long history of growth that most Indian provinces can boast, and in consequence the number of Burmans possessed of an advanced English education is relatively small, and very few have attained to the higher offices of public services. On the other hand it can be confidently affirmed that Burma is endowed with many advantages, notably in respect of those conditions which favour development on democratic lines. Thus she is free from those acute religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples and prejudices of others is a ruling tenet in her religion. There is an entire absence of caste, and no marked cleavages of social distinction or occupation exist. The man of humble birth has, in Burma, always been able to rise as high as his ability and education might carry him. The emancipated condition of the Burmese woman conspicuously distinguishes Burma from India, and though secondary education may be backward nowhere in India has primary education reached so advanced a stage of development. The average standard of living and of comfort of the mass of the population is decidedly higher in Burma than in India, and among the indigenous races, as distinct from the immigrants from China or India, the extremes both of wealth and poverty are far less marked than in any Indian province. Moreover, Burma possesses a ready-made electoral register for rural tracts in the annual rolls which are prepared in every village for the assessment of capita-tion-tax and *thathameda*. It would therefore, be as unwise as it would be unjust to exclude Burma from reform merely because for historical reasons, there are certain directions in which she is backward. Caution must be exercised in framing her scheme of Government so that adequate allowance may be made for her deficiencies, but at the same time full weight must be given to the many favourable characteristics manifest in her history and social conditions."

A later passage in the same Resolution expresses the opinion that " Burma undoubtedly offers a more promising field for self-government than does India at the present time," but " it would be premature to entrust to newly-created electorates full powers over the provincial administration."

On 2nd June 1919, the Local Government in a despatch to the Government of India used the following significant words :—

" Any scheme of reforms for Burma must therefore differ considerably from models which may be found suitable at the present time in the Indian provinces. On the other hand, the present movement has its origin in the stirring and re awakening of the Burmese national pride and self-consciousness. Delay or niggardliness in the grant of reforms to Burma as compared with India may deeply wound the Burmans *amour propre* and even throw him into the arms of the agitator and revolutionary. Further, there are features in the social system of Burma which mark it out as *prima facie* a more promising soil for the introduction of electoral institutions than can be found in India."

The passage of time has only increased the relevance and force of these arguments ; and we have little doubt that an increasing sense of their truth has been one of the main motives inducing the Local Government to broaden its own original proposals. In framing this report the committee has ever borne them in mind. We believe that our proposals will be found to give due weight alike to those factors which promise success for representative institutions and to those which must militate against it.

CHAPTER III.

THE FRANCHISE.

*The choice of
a basis.*

11 In our introductory paragraphs we referred to certain considerations which suggest a somewhat different line of approach to all electoral questions in Burma from that which has been pursued in India. As our enquiry proceeded, we became more and more aware of the difficulties standing in the way of any attempt to reduce the Franchise within narrow limits, or to draw a line, other than that which we have chosen, which would not have been purely arbitrary. It will be seen that most of the official witnesses, and practically all of the non-official witnesses, asked for a Franchise on a broad basis. Most significant of all was the deliberate recommendation of the Local Government that a basis of the Franchise should be adopted, which would give Burma an electorate not far short of Manhood Suffrage.

The arguments laid before us in the Local Government's note of October 13th, and subsequently by representative officials, did not at first convince us that a more restricted qualification was not available. We, therefore, took some pains to examine the alternatives presented: on the one hand capitation-tax for Lower Burma and *thathameda* for Upper Burma, and on the other some qualification based on the payment of land revenue.* In view of the adoption in other Provinces of India of a land revenue qualification as the main basis of the franchise in rural areas we have carefully considered the question of its applicability to Burma. As the result of rigorous cross-examination, we have arrived at the conclusion that any proposal to make the payment of land revenue the principal qualification for the franchise is beset with such difficulties and would create such anomalies that we now fully accept the decision of the Local Government to reject it.

*Reasons for
rejection of
a Land
Revenue
basis.*

12 On this subject we issued to experienced officers a questionnaire which, with the replies thereto, is printed as Appendix V of this report. At the outset we are faced with the practical difficulties of the preparation of an electoral roll on the basis of a land revenue qualification which arise from the system of assessment. In India the settlement of land revenue is with the individual, and is fixed for the period of settlement or, in ryotwari areas for the period of occupation. In Burma the settlement is an assessment placed on the land which fluctuates over nearly all the province with the area cultivated, over a large part of the province with the area on which crops mature, and in some cases with the crop grown. In India the unit of occupancy is the holding, the aggregate of the plots held within the same village by one individual. The unit of occupancy in Burma is the agricultural field, a unit which does not exist in India. A holding for assessment purposes means the aggregate of contiguous fields held by the same individual, so that one individual may occupy several holdings. In India the political unit is the village which is also the unit for revenue administration. In Burma the unit for revenue administration is the survey block or *kwin*: the political unit, the village-tract, may contain several *kwins* and its boundaries do not in fact always correspond with *kwin* boundaries.

As the assessment on each holding is not fixed, the number of electors who would be qualified on a land revenue basis would vary from year to year according to the character of the season which would affect different districts differently. Further the assessment of a holding is not made in one lump sum for the year. If it is cultivated in whole or in part more than once in the same agricultural year, separate assessments are, as a rule, made at each harvest. Three assessment seasons are recognised and the total revenue of the year can be ascertained only by adding together the separate assessments for each season. Moreover, the

* Capitation-tax is virtually a poll-tax, levied in Lower Burma on all males above 18 years of age. *Thathameda* is a household tax levied in Upper Burma, of which the average rate per household is fixed for each village at periodical settlement, and the actual incidence in each year is fixed by village assessors for each household.

assessment rolls are prepared by *kwins* and when, as often happens, the same person cultivates holdings in more than one *kwin*, the total revenue paid by him could be found only by a search through several rolls.

The preparation of an electoral roll on a minimum land revenue basis would therefore be a matter of great difficulty. Such a roll would also be comparatively impermanent. Transfers of land are very frequent in Burma; and transfers, particularly in cases of succession and redemption of mortgage are often not reported by cultivators and are not shown in the assessment rolls.

Assuming that the difficulties of preparing an electoral roll on a land revenue basis could be overcome, we encounter the further difficulty of fixing a minimum basis. Owing to economic differences, among which may be mentioned the unequal prevalence of tenancies and resort by the agriculturist to non-agricultural occupations as a means of supplementing his income, the basis could not be fixed at the same minimum amount of land revenue throughout the Province. If that were done, the proportion of the agricultural population which would be enfranchised would vary enormously from district to district. A minimum which would enfranchise the bulk of the cultivators in certain Lower Burma Districts would leave the bulk of the cultivators in other Lower Burma Districts and in Upper Burma without a vote. In face of the evidence that from the point of view of political and general intelligence cultivators as a whole vary little from district to district, it is impossible for us to contemplate such a result.

The difficulty might be to some extent obviated by fixing different minima for different areas. This, however, would entail a lengthy enquiry, and the minimum for each area could only be fixed on somewhat arbitrary considerations such as the inclusion of the same proportion of cultivators in each district or part of a district. Moreover with different minima it would not be easy to meet the objections of excluded cultivators in districts for which high minima were fixed.

As regards tenants, a land revenue qualification would have small application. Revenue is assessed on the owner and not on the tenant, though in default of the owner the tenant is liable. It would therefore be necessary to fix the actual payment of land revenue, rather than assessment to land revenue as the basis of the franchise if tenants are to be included at all. Tenants are numerous in Lower Burma, and it is here that actual payment of revenue by the tenant is least frequent. In Upper Burma they are fewer and there the payment of revenue is often divided between the owner and the tenant.

The fixation of a minimum rent as the basis of the franchise for tenants also presents difficulties. The common practice is for rents to be paid in grain and not in cash and the money value of the rent would depend on the extremely inconstant factor of prices. In addition the valuation of rent in the case of partnership tenancies, which are common in Upper Burma, would involve an enquiry regarding the outturn of individual holdings.

In Burma occupancy by tenants is very impermanent. The number who cultivate the same land for five years or more is a very small proportion of the whole.

Finally we feel that a division of agriculturists in Burma into those fit and those unfit to exercise the franchise cannot be made by means of any practicable minimum land revenue basis. The agricultural population, and indeed the population as a whole, is to a high degree homogeneous. A land revenue basis fixed high enough to include only those agriculturists who are distinctly above the average in general capacity for the duties of citizenship would result in an unduly small electorate. A lower basis would involve the introduction of a distinction where, in fact, there is no difference. If the payment of any land revenue is fixed as a basis, there is nothing in the conditions of the population which would justify the exclusion from the franchise of the greater part of the non-agricultural population for which a land revenue basis would not provide.

For these reasons we are unanimous in abandoning land revenue as the basis of the franchise.

An alternative suggestion was made to us by at least two responsible officers that instead of adopting any sum paid in land revenue as the qualification, some unit of area occupied might offer a solution. This would avoid the difficulties

arising from fluctuation of assessment and multiplicity of assessment seasons. But it would not overcome the other and more important objections to a land revenue basis, and it would introduce a further anomaly in that it would fail to take account of differences of fertility. The proposal found support in the Committee; but further examination as we have stated revealed those very difficulties on account of which we had already decided to reject the payment of land revenue itself. We accordingly reject the proposal.

Our proposals for the Franchise—
Rural.

13. The Rural Franchise, which we propose, therefore, is as follows:—

(1) For Upper Burma, the payment of *thathameda* which will yield an electorate practically based on Household Suffrage.

(2) For Lower Burma, we adopt payment of the married rate of capitation-tax as the principal qualification. The capitation-tax is virtually a poll-tax levied on the individual at the general rate of Rs. 5 for a married man and Rs. 2-8-0 for an unmarried man.

We propose the higher rate on the ground that it offers the most satisfactory way of restricting the franchise to that class of persons in Lower Burma who will be enfranchised in Upper Burma by *thathameda*. Moreover, by adopting this basis, we secure the exclusion from the electorate of the least responsible classes in the community, including the migratory cooly population which cannot be said to possess either potential political capacity or sufficient stake in the country.

In the two towns of Kyaukpyu and Thayetmyo in Lower Burma capitation-tax, is not levied, and we propose to adopt for them the qualification laid down for the Urban electorates in another part of this report.

We further accept the recommendations of the Local Government that all persons who having been assessed to capitation-tax or *thathameda* are exempted from payment otherwise than on the ground of poverty should be regarded as qualified. All persons who have paid land revenue, land rate in lieu of capitation-tax income-tax or a tax according to circumstances and property levied under section 26 of the Burma Rural Self-Government Act, 1921, during the financial year should also be qualified as electors. We suggest that the latest completed capitation-tax and *thathameda* rolls should be adopted as the basis of registration and all persons who are otherwise qualified, should be left to apply for registration.

Urban.

14. For the eight towns in which the Urban Franchise will be exercised, we recommend the adoption of the existing Municipal qualification as the basis of the electoral roll. To that there should be added those who pay a minimum amount of Rs. 4 in yearly rates and taxes (including capitation-tax and land rate in lieu of capitation-tax) either in a Municipality or a notified area, or a Cantonment; with the further alternative qualification of (a) a minimum value of immoveable property either in a Municipality or a notified area, or a Cantonment of Rs. 200; (b) a minimum amount of Rs. 5 paid as monthly rental either in a Municipality or a notified area, or a Cantonment; or (c) a minimum rental value of Rs. 5 of the residences of employees living rent free in employers' houses either in a Municipality or notified area, or a Cantonment.

Further, the possession of any qualification prescribed for an elector in a rural constituency should qualify for a vote in an urban constituency, provided that the elector resides in an urban constituency.

In practice we think that this should mean that the authority composing the roll will add those paying Rs. 4 in Municipal rates to the existing Municipal roll, and that those possessing the other three qualifications may be left to apply for registration.

Both in rural and urban areas, all retired, pensioned or discharged officers, non-commissioned officers or soldiers of His Majesty's regular forces should be qualified as electors.

Female
suffrage.

15. The question of the enfranchisement of women is raised by our adoption of *thathameda* as the electoral qualification in Upper Burma. Wherever a woman is head of a household in Upper Burma she pays *thathameda* and, therefore, our proposals entail the decision that there shall be no disqualification on the ground of sex. The circumstances of Burma, as described to us in evidence, fully justify this

conclusion ; but we make no general provision for the enfranchisement of women, because we believe that the decision in this matter, as well as in the case of women candidates for the Legislative Council should rest with the elected representatives of the people when the new constitution is in being.

The question of the age limit for the electorate has given us some difficulty. *The age limit.*
The Local Government for the purpose of the Rural Self-Government Act has already adopted the age of 18 on the ground that that is the age at which an individual becomes liable to the payment of capitation-tax or *thathameda*. The attempt to fix a higher age meets with considerable difficulty on the grounds stated in evidence before us. We, therefore, think that unless the Local Government itself is satisfied that the age of an elector, say at 21 years, is easily ascertainable, the lower age already adopted by it for Rural Self-Government should obtain in the case of the electorate now proposed.

We do not consider it practicable to suggest any test of literacy.

In plural member constituencies, we would propose that an elector, having two or more votes, should not be permitted to give more than one to any one candidate. We observe, in this matter, that the Local Government proposed to permit plumping in plural member constituencies for the Rural Self-Government Act, but we see no good ground for admitting this questionable practice in political elections. *Plumping not recommended.*

16. The electoral roll will, presumably, be renewed every three years ; and, generally speaking, we recommend the adoption for the Legislative Council of the draft electoral rules already drawn up by the Local Government for the Rural Self-Government Act. *Preparation of the electoral roll.*

17. We estimate the rural electorate at about 1,500,000 ; but, owing to the faulty character of the municipal rolls we are not in a position to give even an approximate estimate of the urban electorate. *Estimated electorate.*

Qualifications of Candidates.

18. We consider that no person should be permitted to present himself as a candidate unless his name is already inscribed on the general electoral roll of an urban or rural constituency ; but we do not propose any residential qualification, though we think it desirable to say that one of our Burman colleagues, the Honourable Maung Po Bye, pressed us strongly to adopt this course.

The minimum age limit for candidates should be 25 years.

We accept the customary disqualifications as stated in Appendix I.

CHAPTER IV.

CONSTITUENCIES AND CONSTITUTION OF THE COUNCIL.

19. The Committee set out on its enquiry in the hope that a general electorate unadulterated by any device for the special representation of minorities might satisfy the needs of Burma. We were and still are unanimously of opinion that communal electorates are an undesirable feature in any representative system, but theory in this case, as in India, has had to give way to fact ; and, in the face of the evidence presented, we have no course but to recommend certain special measures for minority representation. *The representation of minorities.*

The argument against any constitutional safeguards for minorities, was presented with great force by our two Burman colleagues the Honourable Maung Po Bye and Maung Myint who were able to point to frequent passages in evidence, particularly from Burmese witnesses, in support of a general undivided electorate. As we have pointed out above, we would have preferred, if possible, to accept their view, and it is only with great reluctance that we make other recommendations.

20. In the first instance, we made it our endeavour to examine the problem with a view to the application of Proportional Representation, but the evidence does not justify us in recommending it at present. None the less, we desire to record our opinion that in any further constitutional development, Proportional *Proportional representation impossible.*

Representation will probably offer the most satisfactory manner of securing the representation in question. Our reasons for not recommending it are : first, that even among the European officers of the Local Government, the device itself is not well known ; and, second, that those officers acquainted with its working are unanimous in the opinion that Burma is not yet ripe for it.

Communal representation for Europeans and Anglo-Indians, and reservation of seats for Karens and Indians recommended.

21. Of the remaining methods by which minority representation can be secured, we have adopted communal representation for the European and Anglo-Indian Communities, and the reservation of special seats in certain plural member constituencies for the Indian and Karen Communities.

We propose to create separate communal electorates for Europeans and Anglo-Indians respectively because we see little or no possibility of securing their representation in any other way. The Indian and Karen communities are more closely linked with the fortunes of the province as a whole, and, when the present ferment of political nationalism subsides, may be expected to take a normal place in Burmese politics. It is therefore undesirable to segregate them completely from the general electorate. We therefore place them on the ordinary electoral roll ; but we do not feel justified in depriving them altogether of some guarantee of representation. Hence our proposal to give them certain reserved seats.

With regard to the Karen community, the evidence given on their behalf all pointed in the same direction. In spite of the reluctance of our Burman colleagues to accept any form of Minority Representation for this community, we consider that the Karens have justified their claim. We have accordingly allotted them reserved seats in the five districts of Amherst, Bassein, Ma-ubin, Myaungmya and Thatôn, where their numbers are largest.

The same measure of agreement does not exist within the Indian Community, though the Indian witnesses who appeared before us were practically unanimous in favour of communal representation. We have, therefore, had greater difficulty in arriving at our conclusions as to the manner in which the representation of this minority should be secured. As to the number of seats allotted, we are not in any doubt. We consider, though Mr. Ginwala does not agree with us on this point, that the seven elective seats plus the seat for Indian Commerce form ample satisfaction of the legitimate Indian demand. It is in relation to the method of election that there has been some room for doubt, though, in the final result, the Committee has no hesitation in recommending the reservation of special seats in Rangoon, Mandalay, Moulmein, Bassein and Akyab.

The case of other communities.

22. Other communities have not in our opinion substantiated whatever claims they may have put forward. We consider that all Chinese interests in the province will be represented satisfactorily by the elected member whom we have allotted to the Chinese Chamber of Commerce in Rangoon.

The representation of special interests.

23. Turning from the representation of minorities to the representation of special interests, such as Commerce, a glance at the composition of the Legislative Council on page 13 will show our conclusions. Two points in this list call for some explanation.

(i) The Committee is unanimous in accepting the list as a whole, but the Chairman, Maung Myint and Mr. Smyth would have preferred to withhold representation from the Trades Association on the ground that if the comparatively restricted interests of the retail trade in Rangoon are entitled to representation, there are many similar interests, such as Co-operative Societies which ought to receive at least equal, if not prior, treatment.

(ii) The second point which requires explanation concerns the representation of Indian commercial interests. We agree in principle that these interests ought to be represented. At present there is no Indian Chamber of Commerce in Rangoon, and until such a body comes into existence, we recommend that the interests of Indian commerce may be secured by nomination. This nominated Indian Commerce member is, therefore, included in the list of 8 non-official members to be nominated by His Excellency the Governor.

Constituencies. Rural.

24. Coming to the question of constituencies, a brief statement will suffice.

We recommend that each of the following 19 districts should be represented by two members. In 5 of them (Amherst, Bassein, Ma-ubin, Myaungmya and Thatôn) the second seat will be reserved for the Karen community :—

Amherst,	Akyab,	Bassein,	Hanthawaddy,
Henzada,	Lower Chindwin,	Mau-bin,	Meiktila,
Magwe,	Myaungmya,	Myingyan,	Pakôkku,
Pegu,	Sagaing,	Shwebo,	Tharrawaddy,
Thatôn,	Toungoo,	Yamèthin.	

Each of the following 12 districts will be represent by 1 member :—

Insein,	Katha,	Kyaukpyu,	Kyauksè,
Mandalay,	Mergui,	Minbu,	Prome,
Pyapôn,	Sandoway,	Tavoy,	Thayetmyo.

We consider that this allotment represents satisfactorily the relative interests of Upper and Lower Burma, and sufficiently corresponds to the population ratio of the different districts.

We propose to confine urban representation to the following 8 towns which *Urban.* have more than 20,000 inhabitants —

Rangoon (of which 4 are reserved for Burman candidates, 3 for Indian candidates and 1 seat is left open)	...	...	...	8
Mandalay (2 reserved for Burmans and 1 for an Indian)	...	...	...	3
Moulmein (1 Burman and 1 Indian)	...	...	...	2
Bassein (1 Burman and 1 Indian)	...	...	...	2
Akyab (1 Burman and 1 Indian)	...	...	...	2
Henzada	...	...	...	1
Prome	...	...	...	1
Tavoy	...	...	...	1

25. The nominated members of the Legislative Council will consist of :—

12 officials :—the number chosen by the Local Government which seems to us to be an irreducible minimum.

8 non-officials, among whom will be found representatives of the backward tracts and 1 representative for Indian Commerce in the first instance.

2 Members of the Executive Council, and

The President.

making the total number of members for the Legislative Council, 101, not including 2 experts provided for in the Government of India Act.

26. The composition of the Legislative Council will then be :—

Elected :—

Urban Members	...	...	20
Rural Members	...	...	50
Burma Chamber of Commerce	...	...	2
Burmese Chamber of Commerce	...	...	1
Chinese Chamber of Commerce	...	...	1
Rangoon University	...	...	1
Rangoon Trades Association	...	...	1
European	...	...	1
Anglo-Indian	...	...	1
			<hr/> 78

Nominated :—

Officials	...	...	12
Non-officials	...	...	8
Executive Council	...	...	2
President	...	...	1
			<hr/>
Total	...	...	101

*Constitution
of the
Legislative
Council.*

CHAPTER V.

EXCLUDED AREAS.

*The Local
Governments
proposals
adopted.*

27. We come now to a consideration of the subject of excluded areas. On this point we are prepared to accept the proposals of the Local Government in their entirety. These proposals form Appendix IV to this Report, and the particular portions relating to excluded areas will be found in paragraphs 4 and 8 of the note of the Chief Secretary, dated October 13th, 1921 and in paragraphs 13 to 19 of his note of October 25th, 1921. For the sake of convenience, we reproduce in full paragraphs 13 to 19 of the latter note.

" 13. The Local Government has proposed electorates for the whole of the Province with the exception of the Shan States and the following districts:—

Arakan Hills, Bhamo, Chin Hills, Myitkyina, Putao, Salween and Upper Chindwin.

It remains to be considered to what extent these areas should be dealt with under section 52A, sub-section (2) of the Government of India Act. The Government of India have already proposed to deal under this section with those Shan States which are to form part of the future Federation of the Shan States.

" 14. As regards the exclusion of other areas, the Local Government proposes to be guided by the policy set out in the Government of India's despatch No. 7 of 1919 to His Majesty's Secretary of State on the subject of backward tracts. All backward tracts strictly so-called must be totally excluded, but any areas which, while on the whole backward, contain towns enjoying local self-governing institutions or which it is not desirable to exclude in the matter of transferred subjects from the jurisdiction of the future Ministers, should not be excluded at all, if it can be avoided.

" 15. The areas which the Local Government considers should be totally excluded are as follows: Firstly, in addition to the Shan States which are to form the future Federated Shan States, the other Shan States in the Sagaing and Mandalay Divisions which have been declared to be Shan States by notification under section 8, sub-section (3) of the Upper Burma Laws Act, 1886 (now repealed), and under section 10, sub-section (3) of the Burma Laws Act, 1898, should be excluded. The administration of these areas is in the hands of Shan Chiefs appointed by the Local Government, and the law in force is largely the customary law of the area. Secondly, all areas to which the Kachin Hill Tribes Regulation, 1895, the Chin Hills Regulation, 1896, and the Arakan Hill District Laws Regulation, 1916, apply should be excluded. These areas are inhabited by tribes which are comparatively uncivilised, have little education, and would be quite unfit to exercise the vote.

Finally, the Putao District should be excluded for the same reasons and because practically the whole of it is administered either as a Shan country or as a Kachin Hill Tract.

" 16. That leaves the following areas:—

- (1) the Bhamo District excluding the Kachin Hill Tracts thereof;
- (2) the Myitkyina District excluding the Hill Tracts thereof;
- (3) the Upper Chindwin District, excluding the Somra-Tract (to which the Chin Hills Regulation applies) and the Shan States of, Thaungdut and Singkaling Hkamti; and
- (4) the Salween District.

For these areas the Local Government has considered whether some form of partial exclusion should be proposed similar to that which has been applied to the Chota Nagpur Division of Bihar and Orissa, but has come to the conclusion that on the whole it is better not to exclude these areas at all, but provide representation for them by nomination, if necessary, on the Legislative Council.

" 17. As regards the areas which are to be excluded, the Local Government would adopt the same exceptions and modifications as have been adopted for the Angul District of Bihar and Orissa as laid down in Government of India Reforms Office Notification No. 4-G, dated the 3rd January 1921, under which the

Government of India Act in its application to this District is subject to the following exceptions and modifications :—

- (1) The provisions of the Government of India Act which confer powers on the Indian legislature and on the local legislature of Bihar and Orissa to make laws, respectively, for British India and for the province of Bihar and Orissa shall not apply to this territory.
- (2) The provisions of the said Act which require proposals for expenditure by the Governor-General in Council and by the Local Government of Bihar and Orissa, respectively, shall not apply to proposals for expenditure in this territory.
- (3) In lieu of the provisions of the said Act which enable rules to be made for prohibiting or regulating in either chamber of the Indian legislature the asking of questions on, and the discussion of, any subject specified in the rules, there shall be substituted a provision prohibiting the asking of questions on, and the discussion of, any subject relating to this territory ; and the provisions of the said Act which enable rules to be made for prohibiting or regulating in local Legislative Councils the asking of questions on, and the discussion of, any subject, specified in the rules shall be construed as if they prohibited the asking of questions on, and the discussion of, any subject relating to this territory in the Legislative Council of the Governor of Bihar and Orissa, save with the sanction of the Governor.
- (4) Section 46 (1) of the said Act shall be construed, in its application to this territory, as if the words "in relation to reserved subjects" and the words "and in relation to transferred subjects (save as otherwise provided by this Act) by the Governor acting with Ministers appointed under this Act" were omitted.

"18. As applied to the future Shan States Federation, there should be the following further modification :—

"In lieu of the provisions of the Government of India Act, which enable rules to be made for the allocation of revenues or other monies of the Local Government, there shall be substituted provisions to the effect that the revenue or other monies accruing from the Shan States, in so far as they are now by the Devolution Rules declared to be allocated to the Government of Burma as sources of Provincial revenues, shall be allocated to the Federation and to the Chiefs of the States in such manner as the Local Government may direct, provided that the Federation shall pay to the Local Government 5 per cent. of all monies received by it or 20 per cent. of the mineral royalties collected by it, whichever is greater such contribution to be in lieu of tribute heretofore paid by the individual states."

"19. This exception, it may be noted, embodies the settlement between Burma proper and the Shan States to be included in the Federation which has been accepted by the Shan Chiefs concerned, who have hitherto individually paid tribute to the Government of India."

28. The effect of these proposals, if adopted, will be that the Shan States and the areas specified in paragraph 15 of the Chief Secretary's Note will be totally excluded and will be dealt with by Notification under section 52A of the Government of India Act on the lines indicated in paragraphs 17 and 18 of the Note. The areas specified in paragraph 16 of the Chief Secretary's Note, though excluded from the Rural Self-Government Act will not be excluded from the operation of the Government of India Act, but the franchise will not be exercised in such areas. Their interests will be provided for by a system of nomination. We recommend that these proposals be adopted.

There remain in the districts to which the Rural Self-Government Act does apply, certain areas specified in Schedule I of that Act which have been excluded from its scope on the ground of difficulty of communications or for similar reasons. These areas, included in Appendix II, were referred to in paragraph 8 of the Chief Secretary's Note of the 13th of October. We are satisfied that the difficulties of holding elections in them are almost insuperable and that their inhabitants are not politically advanced. We therefore, recommend that while these areas should not be excluded from the scope of the Government of India Act, the franchise should for the present not be extended to them.

The effect of the proposals (a) areas totally excluded, (b) areas provided for by nomination.)

CHAPTER VI.

DIVISION OF FUNCTIONS.

A.—Central and Provincial.

The proposals of the Local Government generally endorsed.

29. We accept the proposals of the Local Government under Rule 3 and Schedule I of Part I of the Devolution Rules.

We desire to draw special attention to the statement made by the Local Government in their Note of October 25th, 1921, regarding political charges. We hope that it will be possible fully to satisfy the plea there made.

With regard to the proposals made in paragraphs 4 to 9 (inclusive) of the Local Government's Note of October 25th, 1921, we record our opinion that the transfer of these subjects to the Provincial list is desirable, and that as soon as the necessary adjustments have been made, the transfer should take place. At the same time, we cannot close our eyes to the fact that some, if not all, of these proposals will entail an enquiry into the financial considerations which are inseparable from them. An enquiry of this character must necessarily occupy a considerable period of time which might entail serious delay in the inauguration of the present scheme of reform. We cannot contemplate with equanimity any delay of this kind and, therefore, we do not propose to make the adoption of the scheme as a whole contingent on the immediate acceptance of the particular proposals under discussion.

The Port of Rangoon.

30. The proposal made by the Local Government to exclude the Port of Rangoon from the list of major ports is not one which we are prepared to endorse. We do not find in the evidence any adequate support for the conclusion that the course proposed by the Local Government would in any practical way alter either the existing administration of the Port or the prospects of its future development.

Rice Control.

31. Paragraph 10 of the Local Government's Note of October 25th deals with the control of production, supply and distribution, etc. This item has become a burning question in Burma owing to the operations of Rice Control. We consider that the Local Government and the people of Burma are entitled to a much larger, if not a decisive, voice in this matter; and we feel bound to endorse the prevalent opinion, both official and non-official in Burma, that where the control of rice is concerned, the Government of India cannot be regarded as an impartial judge. The Local Government has stated its position and its proposals with great moderation. We consider ourselves not only entitled but compelled to go further. We, therefore, suggest that the Local Government should be entrusted with fuller powers in this matter and that in any case, it should be entitled to appeal to the Secretary of State where matters are in controversy between Rangoon and Simla.

Salt.

32. The question of the transfer of Salt to the Provincial list was not raised by the Local Government but was pressed strongly by some of its officers. We consider that both for the encouragement of the local industry in salt as well as on other grounds, this subject might well be given over to the Local Government.

Present position unsatisfactory.

33. We have indicated above our reluctance to propose any change in the existing relations between the Government of India and the Government of Burma on certain subjects which would delay the introduction of these Reforms. We have, further, found in the course of our enquiry that a strong and growing opinion prevails in Burma that these relations are unsatisfactory. Owing to the isolation of the Province and to its comparatively recent entry into the Indian Empire, it has not received that equitable consideration which its needs, its intrinsic importance, and its remarkable potential powers would justify. The Local Government has recorded the opinion that the separation of Burma from India is inevitable, and the penultimate paragraph of our Terms of Reference may be read as a recognition of this view. We do not interpret these terms as empowering us to make any specific proposal, but the record of our enquiries in Burma would be incomplete if we did not draw the attention of the Government of India and the Secretary of State to this matter which is daily becoming more urgent. In relation to this, the proposal made by the Local Government for transferring

subjects from the Central to the Provincial list cannot be accepted at once, we suggest that the Government of India should be empowered when the necessary adjustments have been made, to transfer them by notification

B.—Reserved and Transferred.

34. Under this heading we recommend, in general, the adoption of Schedule II of the Devolution Rules with, as, additional transferred subjects:—

(1) Forests.

(2) European and Anglo-Indian Education

35. The question of the transfer or reservation of forests was one of the ^{Forests} crucial points of our enquiry. On it there was a more definite cleavage of opinion among our witnesses than on any other subject. As we have given it prolonged and serious thought in our deliberations, we consider that we should give it more ample treatment in our report than we have given to less controversial questions.

We observe that the authors of the Joint Report contemplated the possibility of transferring certain forests to the control of a Minister, but that the Devolution Rules in their final form assign forests to the transferred list only in Bombay. The arguments which moved the Bombay Government to ask for this transfer are valid also for Burma as far as they go. We must observe, however, that though the forests of Bombay are an important part of the assets of the province, both as regards area and revenue, in neither respect are they comparable to the forests of Burma. The latter, with their great area and immense potentialities, are one of the greatest if not actually the greatest asset of the province, to which they already contribute more than two sevenths of its gross revenue. While, therefore, the existing position in Bombay may be taken as *prima facie* evidence in favour of transfer, we have preferred to conduct our enquiry and reach our conclusions on the basis of considerations which lie in the actual conditions of Burma itself.

The forests of Burma are a subject in which the Burmese people are clearly and actively interested, and the opinion in favour of their transfer was expressed by practically every Burman witness. In this respect, one of the criteria laid down by the Joint Report is fully satisfied; and since the attitude of public opinion, as far as that opinion is articulate and ascertainable, is not in doubt, we have felt bound to give it due weight.

We do not attach much importance to those grievances arising out of past administration of the forests which were cited before us. It is contended, for instance, that European firms have been given leases for the extraction of teak from the important forests to the unfair exclusion of indigenous applicants: and also that forest policy and administration are responsible for the increase which has occurred in the price of the minor forest products required in villages. These arguments, if established, would not in our opinion be conclusive. Moreover we are satisfied that the possession of the necessary capital and experience has been the main factor in the allocation of forest leases: and that the depletion of easily accessible unclassed forests has been the cause which, in concurrence with the increase in the cost of all commodities, has made minor forest produce more expensive. We must, therefore, in deciding whether to endorse the strong demand for transfer, examine the problem solely from the much wider aspect of the permanent interests of the country, for which the conservation and development of the great forest estate which it now possesses, are essential.

Now, the main reason given by official witnesses against the transfer was the absence of any popular sentiment in favour of conservation or of any general appreciation of its necessity. The evidence before us shows that this is the case. There is little or no public opinion on the subject of conservation, largely, we must observe, because, so far, there has been little opportunity for its creation or expression. Moreover, the absence of this opinion can more truly be used as a reason for creating it than as an argument in favour of removing the subject affected from the arena of public debate in the Legislative Council.

Since we consider the creation of this opinion as an axiom of all public policy, and particularly relevant to the forest problem in Burma, we have explored the probable direction in which it can most hopefully be developed. As far as we

can ascertain, opportunities of this kind will not be offered freely enough if the forests are reserved ; and it seems highly probable that, in this event, Burma may reach an advanced stage of political responsibility without adequate education on the problem of the forests, in its widest sense. If, when the stage of responsible government is reached, this problem is not widely understood and the necessity for conservation appreciated, the last state will be worse than the first. It is more important, therefore, to bring about that development of public opinion on which sound administration under an eventual democratic system must rest than to attempt by reservation to secure absolute efficiency during the period of transition. To secure this development, it appears to us that the transfer of forests is an essential preliminary.

If the forests are a reserved subject, their administration would not be a concern of the Legislative Council, except in so far as it offered opportunity for uninformed and irresponsible criticism ; nor would conditions be favourable to the formation and dissemination of opinions other than mere opposition to established policy. In explaining and popularising this policy, a Minister, having the confidence of the Legislative Council, would have a great advantage over a member of the Executive Government. Measures of development and of conservation, particularly those in the interests of the villagers, to which he gave his support, would be much more likely to gain general acceptance than if proposed by the Executive. If the subject were transferred, it might reasonably be expected that the habit of sound administration under a judiciously chosen Minister would, during the transition period, become established and secure an increasing measure of popular support. It is true that the transfer involves risk, but we do not see any advantage in postponing it until any later stage of political development. If the subject remained reserved, the risks would probably be greater at that stage than they now are, because, in the transition period of reform, the Minister will have the benefit of the advice and support of an expert department and of the executive government strongly imbued with the necessity for conservation—an advantage which will later become less efficacious.

As regards existing leases, we consider that the interests of all efficient lessees are adequately protected by the terms of the standard contracts now in force. We are not disposed to attach much weight to the possibility of damage to the forests through the grant of injudicious leases against the advice of the Forest Department, since the grant of such leases in the interests of a few favoured individuals would not be likely to receive any strong support in the Council. The main risk in our opinion lies in the possibility of pressure being exercised on the Minister in charge by the Council, by means of resolutions or otherwise, in favour of a policy of relaxation of the rules for the protection of forests, either generally or in particular cases, or of throwing open fuel or other areas, the reservation of which is essential in the interests of future generations. Proposals for future reservation are also likely to meet with opposition. It might be expected, however, that the source of this pressure and opposition would not be the population as a whole, or even, as might happen in regard to land revenue policy, a majority of it ; but only those sections immediately affected by forest rules and restrictions. The conservation of the main teak forests immediately affects very few indeed. The remainder of the population would in all probability soon realise that conservation is directly in its interest. We are, disposed, moreover, to rely on the existence of a strong, capable, and highly organized forest department—whose advice neither the Minister nor the Council is likely lightly to disregard—to safeguard the interests of the forests and to prevent the dissipation or destruction of their resources.

Much of the force of opposition to this transfer is derived from the analogies of America and Great Britain where, it is argued, a democratic electorate has displayed a perilous lack of foresight. We do not admit the relevance of these analogies. During the period from which this argument is drawn, neither America nor Great Britain possessed a forest service comparable to that which now administers the forests of Burma. In the United Kingdom, in particular, there was no department of Government of the kind which Burma possesses and, therefore, even the British Government itself lacked both policy and expert

opinion. This cannot be said of Burma. We are of opinion that the present efficient forestry service in Burma is, in itself, one of the best justifications for facing whatever risks may be entailed in the transfer.

It will be seen from the foregoing paragraphs that we do not minimise these risks, but that we nevertheless record our deliberate opinion that foresight demands that they should be faced and overcome in the early stages of the new Constitution. We do not consider that the making of forests a transferred subject is likely to affect the forest revenue to any appreciable extent. On the other hand, we realise that it may be advantageous that the Ministers and the Council should, at the outset, have an opportunity of training in the management of one of the larger revenue-producing departments. In arriving at our conclusion in this matter, we have been strongly impressed by the desire for transfer universally expressed by Burmese witnesses, a desire which in our opinion is due not in any way to personal interest (since few or any of the witnesses could hope to derive any personal benefit from the transfer), but to a general feeling that in Burma, to a greater extent than in other Provinces, the administration of the forests is intimately bound up with the life of the people, who have, therefore, a right to a voice in their management.

There is no doubt that the decision as to the reservation or transfer of forests is a matter which will greatly affect the spirit in which the Reforms will be accepted. On the whole, therefore, we agree in recommending that forests should be transferred.

36. Recent changes in the policy of the Local Government have placed the subject of European and Anglo-Indian Education in a somewhat different position in Burma than that which obtains in India. We have ascertained that the Local Government is not unwilling to see it transferred; and, though some of the denominational schools view the prospect with some anxiety, we are disposed to endorse the proposal to make it a transferred subject. From this decision Mr. Arbuthnot absolutely dissents, as he considers that the grounds for reservation in India are equally valid for Burma. *European and Anglo-Indian Education.*

37. The rules as they stand would place Rangoon University in the transferred list; and we only record our acceptance of this result because the representative of the University, who appeared before us, asked that it should be retained as a reserved subject for a short period. As we are unable to see any substantial advantage in this course and, as moreover, we consider that the development of a national policy of education in Burma should not be hindered by the possibility of conflicting courses pursued by a Minister in charge of Education on the one hand and a Member of the Executive Council responsible for the University on the other, we prefer to leave the University as a transferred subject. Further, we consider that the autonomy of the University is a reality, and that, therefore, the University authorities will be able very largely to maintain standards, which they consider adequate, without the protection offered by reservation. *Rangoon University.*

38. Under item 33, Part II, Schedule I of the Devolution Rules, there are four subjects which have been recommended to us in evidence as suitable for control by the Provincial Legislature, and we, therefore, propose to make them transferred subjects. They are:— *Other subjects.*

- (a) Regulation of betting and gambling;
- (b) Prevention of cruelty to animals;
- (c) Protection of wild birds and animals;
- (f) Control of dramatic performances and cinematographs, subject to legislation by the Indian Legislature in regard to sanction of films for exhibition.

Though the Local Government has made no proposal for dealing with these subjects, we have ascertained that it does not object to their transfer.

Item 40 in the same list, namely, Pounds and Prevention of Cattle Trespass, we also recommend for transfer as a subject which may appropriately appear in Schedule II.

39. The Rangoon Development Trust is mainly concerned with the management and development of the Government estate in Rangoon. It is therefore included under the heading "Land Revenue" and should be treated as a reserved Subject. *Rangoon Development Trust.*

CHAPTER VII.

THE INDIAN LEGISLATURE.

*Representa-
tion of
Burma on
the Indian
Legislature.*

40. We recommend that the number of representatives for Burma to the Indian Legislature remain unchanged. Mr. Ginwala urged strongly that the elected members from Burma on the Legislative Assembly should be considerably increased ; but the evidence laid before us does not seem to justify this conclusion.

*The
Council of
State
Franchise.*

41. For the Council of State we recommend that the existing classes of electors remain unchanged, but that the minimum qualification on the basis of Land Revenue payment should be Rs. 300 per annum instead of Rs. 1,000, and the minimum income-tax qualification Rs. 3,000, instead of Rs. 5,000.

*The
Legislative
Assembly
Franchise.*

42. In the case of the Legislative Assembly we accept the arguments on which the decision to adopt direct election for Indian members on the Indian Legislature was based. The present indirect franchise in Burma was never regarded as more than a stop-gap, and we consider that it should not be retained. In its place we propose the following qualifications :—

(a) Payment in the previous year of land revenue of an amount not less than Rs. 100 for Lower Burma, and Rs. 50 for Upper Burma.

(b) Assessment in the previous year to income-tax.

(c) The payment in Upper Burma in the previous year of *thathameda* not less than Rs. 25.

(d) Being qualified as an elector for the Burma constituency of the Council of State.

*Reasons for
our recom-
mendations.*

43. It will be seen that we have here adopted, as the primary basis of the franchise, the payment of a minimum amount in land revenue. We have already put forward strong arguments against the adoption of this basis for the wider franchise for the Provincial Legislative Council. These arguments are not applicable in anything like the same degree to the present proposal, and we anticipate little difficulty in the preparation of the electoral roll on this basis for the Legislative Assembly. Moreover, if we had excluded payment of land revenue as one of the bases of franchise for the Legislative Assembly, we should have excluded from the roll a large number of residents in rural districts engaged in agriculture, who, on broad political grounds, are entitled to the franchise. We have adopted *thathameda* in Upper Burma because, with the exception of Mandalay and Maymyo, income-tax is not there levied, and we consider that it is necessary to enfranchise certain classes of householders who, if they had lived in other areas, would probably have been included in the income-tax assessment.

If these recommendations are adopted, we would prescribe the same qualifications for the electorate for the Burma European constituency for which assessment to income-tax is at present the sole qualification.

CHAPTER VIII.

CONCLUSION.

44. His Honour the Lieutenant-Governor kindly afforded us an opportunity on December the 13th in Rangoon of discussing the major questions raised by our enquiry. As we understand that the Local Government will forward with this report a considered statement of its views, we consider it unnecessary to do more than record our appreciation of His Honour's courtesy.

45. We desire to record our special obligations to the many officers of Government who have assisted us by their expert knowledge, and by rendering available in convenient form the detailed information which it was necessary to obtain for the purpose of enabling us to conduct our enquiry.

The work falling upon the Secretary to the Committee has been unusually exacting. We wish to express our thanks to Mr. J. E. Houldey, I.C.S., for the great care and ability which he has devoted to his work in this capacity.

A. F. WHYTE,
Chairman.

R. E. V. ARBUTHNOT.
PO BYE.
P. P. GINWALA.
F. MCCARTHY.
MAUNG MYINT.
SAN C. PO.
S. A. SMYTH.

J. E. HOULDEY.
Secretary.

RANGOON, *December 14th, 1921.*

MINUTE OF DISSENT BY THE HON'BLE MAUNG PO BYE.

I am against the communal representation on general principle as well as on due consideration being given to the claims put forward by the different communities in Burma before this Committee.

The Montague-Chelmsford Report on the Indian Constitutional Reforms clearly pointed out that the communal representation is bad in principle as recognized by the democratic countries throughout the world, on the indisputable ground that it must tend to delay the development of the democratic institutions. Other grounds weighty and substantial mentioned in the same report need no reiteration (paragraphs 227 to 231).

The Southborough Franchise Committee got over the principle by adopting recommendations of expediency paying great regard to the popular wishes of the people and their argument was mainly based on the fact that a compromise or compact had been reached by the two most powerful political parties at the joint session of the Indian National Congress and the All-India Muslim League held at Lucknow in December 1916. Owing to the great majority of the Indian witnesses and the representations of the associations, political and non-political alike, adhering to this compact and the Local Governments of Bombay, Bengal, United Provinces, Punjab and Bihar and Orissa, making recommendations in the same way, the committee could find no alternative but come to the conclusion that communal representation must be conceded to the Mahomedans and other minority interests.

The Government of India in the Despatch to the Secretary of State on the Franchise Committee's report accepted the committee's recommendation reluctantly (paragraphs 18 to 23) and made a strong remark that "the road does not lead directly to that goal (responsible government) and we can only echo the hope expressed by the Committee that 'it will be possible at no very distant date to merge all communities in one general electorate.'" "We feel like Lord Southborough's Committee that the compromise, whatever may be its defects, is not one that we ought to reopen, and that it would be a poor recognition of the genuine efforts that have been made in the cause of unity if we were to throw this very difficult problem into the melting pot again."

The whole idea is that if avoidable communal representation should not find a place in a democratic institution, especially if development and progress towards the real responsible Government is the aim and object to be achieved. It is also to be noted particularly that the popular wishes of the people was treated as of paramount importance in both the report and the despatch.

The Burmese people in Burma are an entire nation without distinction of class, caste or religion, a homogenous race, highly educated in their own Vernacular before the advent of the British Rule and it is also an outstanding feature now that as a nation they are more literate than those of other Provinces in India. Their intelligence and adaptability to the changed and changing process of the nations of the world to secure more political liberty is emphatically manifested that the form and volume of agitation, which took thirty years in India has been accomplished in three years in Burma.

The Burmese people were content and happy when they first came under the British Rule, there was a wholesome change in their personal liberty after the misadministration of the country by the Burmese Rulers with constant Civil Wars and the soothing effect of

which kept them for a long time free from any sign of discontent or disaffection, but latterly they could not help realizing the great danger, the economic pressure brought to bear on them with great intensity by the British Rule and administration. Their country is thrown open to the aggression of European and Asiatic nations and it became a dumping ground or happy hunting ground between the two most densely populated Empires in the world, India and China, and they as a young nation without training and experience have lost and are still losing ground in trade and commerce particularly and in other calls of life generally; and these facts are too well known to the British Rulers.

These facts also accelerated the growth of agitation and after the declaration of the 20th August 1917 by the Secretary of State of India the delay in introducing the reform to Burma is another factor for the growing agitation.

The Burmese people have no political parties worthy of name, except the General Council of Burmese Associations, which has some 500 branch Associations, all over the country and that Council is absolutely against communal representation and the other Burmese people, who are outside of the influence of the associations, too, are in entire accord with the opinion of the Council. It is the voice of the nation.

There is not only no compact is possible to be reached with any other community in Burma, the people as a whole resent deeply the claims of others for the communal representation, rousing a great deal of suspicion that the policy of 'divide and rule' is put to the forefront. If the reform is intended for the people domiciled in the country, having the greatest interest in it as a nation, it should in the first place, be shaped to suit them as a measure required *by* them on the principle and as well as on expediency and not as a measure required *for* them, to please every community on no tangible reasons. This democratic principle should not be nipped in the bud at its introduction.

Amongst the claims of the different communities the Europeans may be said to have the largest share of importance on account of the commercial and industrial interest and the capital invested in the country for the development of resources; and also for the establishment of responsible Government their good will and co-operation is to be depended upon. The Burmese people as of great necessity require the Europeans and other communities to throw in their lot with them in the general constituency for election in the reformed council in order to secure a united body for the general progress and establishment of responsible Government but the parting of ways is launched by the European and other communities against the earnest solicitude of the Burmese people.

The European British subjects according to the latest census number only 11,288 out of the whole population of Burma 13,162,904.

The community is chiefly composed of Government officials and those engaged in trade and commerce and besides them there cannot be more than one hundred of people belonging to professions and others. Almost every one of them is a bird of passage and domiciled European is rare quantity. The Local Government in the proposal presented to this committee there was a recommendation that only European Community should have the communal representation for one seat. It is not much at first glance but it is a thin wedge thrust into the stronghold of the general constituency and in its wake the other communities pressed home their claims and laid emphasis that their interest is in the same position and nature and as minority interest like the Europeans they require protection and representation in the reformed Council.

The combined claim of communities with Europeans as champion became a formidable force in the composition of this Committee and the Burmese members could not help but put in notes of dissent. It has been pointed out by the Burmese members in their deliberations that there would be ample and adequate safeguard for the whole of European Community by the representations to be recommended in 12 seats of official members, which undoubtedly would be with European predomination and 3 special reserved seats of Chamber of Commerce and Trade Association as elected and one seat as nominated for the non-official European interest, but the majority in the Committee cannot be convinced. The feeling of the Burmese people is intensified on the probability that an elected member of European or Indian may be chosen by the Governor as a minister and then the hope of the people would be dashed to the ground and the discontent and disaffection would be more rife by the introduction of the reform.

The Anglo-Indians have less claim than the Europeans.

There is no European seat in the provincial Councils of Punjab, Central Provinces and Assam and no Anglo-Indian seat in any province except Madras and Bengal.

The population of Indians in Burma is 953, 335, including a large number of migratory cooly class and without them and computing only the domiciled the number would be considerably reduced.

The immigration of Indians into Burma is increased enormously after Burma became a part of the Indian Empire and the economic pressure from India proper and China is more and more intensified as the time goes on. Rangoon Town is almost an Indian town and the rural areas are being affected in the same way.

The Karens in Burma are an indigenous race, they are agriculturists, and their mode of living is the same as the Burmese.

The majority of the community are Buddhists like Burmese and only the small section of Christian Karens is prominent in demanding for the communal representation.

The Burmese people are not hostile to any other community in Burma, on the contrary their claim recognizes the equality of right of citizenship in the British Empire by asking that all the domiciled population of Burma, whether Europeans or Asiatics, should have one general constituency as in the case of more advanced democratic countries.

The Frenchmen in Canada have no communal representation nor the Englishmen in South Africa, nor the Jews in England, nor the Parsis in the Bombay Presidency.

On the whole no case is made out for any community to have communal representation.

The reservation of seats in the composition of seats of the Council is practically communal representation and the difference being in the nomenclature. During the deliberations I made the proposal of the reservation of the seats in order to ease the tension between the two Burmese members and others and my proposal was with definite allocation of seats.

The Committee have altered and clipped the Burmese seats and enlarged the Indian and the Karen seats and I was pinned to the point for making the proposal and urged not to get out of it. In the end I found my proposal for the unanimous opinion of the Committee affected adversely against me and my claim of having 60 per cent. of Burman seats in the Council is denied. The Committee recommended that franchise be given to the Burmese women but the women are debarred from standing for election. I cannot agree to this recommendation. Burmese women have an outstanding feature of education and freedom of action same as men, a quality much better than those in other provinces.

Their part in the agitation and in boycotting this Committee is much more pronounced than the men. It is to be regretted that not a single Burmese woman came forward to give evidence before this Committee and this should not be made a ground to deny them of becoming candidates in the election.

In conclusion I must say that with the exceptions mentioned in this note I agreed in all the terms of the report whole heartedly. This note is written on my own assumption that two minority Burman votes against other members may not carry weight when the question of communal representation or reservation of seats is taken into consideration by the Government of Burma, the Government of India and the Home Government. I took part in the discussion of the division of seats with a clear understanding that in case of the objection to the communal representation and reservation of seats is brushed aside the seats allocated may be clearly laid down as special 'reserved seats' tenable during the transitory period before the revision of the reform again takes place, and when it takes place special attention should be paid to the question of merging all seats in one general constituency and that in doing so my conscience is greatly influenced by the existing agitation in Burma and the speedy introduction of the reformed Council would most probably allay the discontent of my own people. I request that this note may be treated as minutes of dissent.

PO BYE,—14-12-21.

NOTE OF DISSENT BY MAUNG MYINT, M.L.C.

In Burma all the indigenous races are more or less homogenous and distinct from the Indian and Chinese immigrants. Here we have absolutely no caste and religious prejudice. We observe no social distinction. Our religious training in toleration and generosity is so well known that it cannot be obliterated by stray incidents here and there. Our re-awakening of nationalism and self consciousness should be interpreted on liberal lines. Our conditions in Burma are very favourable for development on democratic lines. We need only opportunity in this direction. In view of these established facts I strongly oppose any recommendation either for communal representation or reservation of seats fixed for any particular community in the general constituency as such is a measure altogether unjustified inasmuch as it tends to create political camps organized against each other teaching men to think as partisans and not as citizens.

The Burmese public will view this sort of scheme as a "Divide and rule policy" as uncalled for in Burma endowed with her natural favourable conditions.

Not much stress should be laid on the Indians as they can stand on their own. The case they now put forward before the Committee is not to be taken conclusively as one of general feeling of their community. The Burmese did not come forward to give evidence for reasons of their own, which is a great pity, and a great majority of the Indians followed suit showing sympathy with the Burmese. However wrong and ill-advised the attitude of the absentees may have been, the absence of the Burmans and those Indians who should have come forward as witnesses should, in my opinion, be taken into consideration together with the evidence before us. If there had been no hospitality and no fellow-feeling on the part of the Burmese towards foreigners and, if the Burmese attitude towards the Indians in particular is so black as is now painted, I need a straight answer to my query "How and

why the Indians could have lived so friendly and peacefully amongst the Burmans these many years?" It has been brought to the notice of the President of this Committee by the English and Indian members that they noticed only very recently the sudden change of Burmese attitude towards their communities. These late incidents are more or less due to personalities and it is regrettable that there should have been these few cases of strange coincidence. However, on the whole if these few incidents are to be taken as an index of the latent feeling of the Burmese community as a whole against others, I beg to point out that it is not a fair surmise in view of the many years peaceful and friendly relations in the past between the Burmese on the one hand and the Indians, English and other foreigners on the other. Therefore if any attempt is made by a section of the Indians to show a partisan spirit it should not be encouraged to take root in a place like Burma as it will surely generate social and political discontent and unrest.

As regards Karens in Burma, they are the indigenous people of the country. Their case is much weaker. There have been no cases of political differences or unfriendliness between the Karens and the Burmans. The claim of the Christian Karen witnesses for communal representation is based on their fear that they might not stand a chance at the general election. The Karens, however, have since the British rule so much advanced in education and organisation backed up by the Missionaries that the fear they expressed is only imaginary. It is not fair to deduce the general relationship between the Burmese and the Karens from the treatment the Karens are said to have received from the Burmese village headmen. Such cases are few and far between and the village headmen are of such type of men that even the Burmans dislike them and that it is so is quite apparent on record.

In the case of Europeans and Anglo-Indians the number of seats they claim is so small, it matters little whether they are nominated or elected, and the Anglo-Indian evidence on this point is rather conflicting.

I am not opposed to representation of minority interests, but I strongly believe that all should go to the general constituency and show their good spirit of co-operation to the Burmese. In the event of any minority interest being left out unrepresented, nomination by Government should follow. Of course the number of nominations for each community should not be fixed once for all.

In conclusion, as I am strongly against the scheme of reservation of seats as adopted by this Committee, I would propose the constituency to be as follows:—

Rural	...	...	...	45	elected.
Urban	..	...	..	17	"
Burma Chamber of Commerce			..	2	"
Burmese Chamber of Commerce			...	1	"
Chinese Chamber of Commerce			..	1	"
The Rangoon University	...	...	...	1	"
Nominated	...	...	...	14	(to include one representative of Indian commercial interests).
Officials	...	...	..	12	
<i>Ex-officio</i>	...	...	...	2	
President	...	...	...	1	
Total				96	

I am against increasing the number of seats for Rangoon from 5, because though Rangoon is Capital of Burma with all the importance of trade, etc., all the 6 seats allotted to represent special interests according to my scheme will be from Rangoon.

MAUNG MYINT,—14-12-21.

NOTE BY MR. P. P. GINWALA, M.L.A.

I agree with the recommendations of the majority as to the reservation of seats though I feel that my community has put forward, and in my opinion established on the evidence, an overwhelming case for communal representation pure and simple.

P. P. GINWALA,—14-12-21.

APPENDIX I.

Statistical Summary.

Population : Census 1921.

Burma (excluding Karenni)	...	...	...	13,148,342
<i>Deduct areas to be totally excluded from the scheme under Section 52A, Sub-section (2), of the Government of India Act:—</i>				
Northern Shan States (including Mongmit)	...	...	...	585,924
Southern Shan States	...	...	...	847,618
Hill District of Arakan	...	...	...	20,914
Bhamo, Kachin Hill Tracts	...	...	...	53,736
Chin Hills	...	...	...	110,079
Myitkyina, Kachin Hill Tracts	...	...	...	64,021
Putao	...	...	...	7,673
Shan States of Singkailng Hkamti and Thaungdet and Somra Tract in the Upper Chindwin District	...	...	...	16,966
Pakökkü Hill Tracts	...	...	...	28,799
Total				1,735,730
Balance				11,412,612
<hr/>				
Census 1911.				
Males of 20 years of age and over	...	...	...	3,316,098
Males of 20 years of age and over, literate	...	...	...	1,802,573
Males of 20 years of age and over, literate in English	...	...	...	41,762
Burmese (including Arakanese)	...	...	...	7,986,327
Karens (including Taungthus)	...	...	...	1,102,695
Other indigenous races (Talaings, Shans, Kachins, Chins, etc.)	...	...	...	2,039,124
Hindus	...	...	...	389,679
Mahommedans including Zerbadis	...	...	...	417,290
Chinese	...	...	...	122,834
Indian Christians	...	...	...	23,089
European British Subjects	...	...	...	11,828
Anglo-Indians	...	...	...	11,106
Others	...	...	...	11,245
Total (all Burma)				12,115,217

Total population of Municipalities, Notified Areas and Cantonments included in—

(Census 1921.)

(a) Urban constituencies	...	...	...	708,510
(b) Rural constituencies	...	...	...	485,338
Total population of rural areas				10,218,764

Towns of over 20,000 population—

1. Rangoon	...	...	...	341,962
2. Mandalay	...	...	...	148,917
3. Moulmein	...	...	...	61,301
4. Bassein	...	...	...	42,563
5. Akyab	...	...	...	36,569
6. Tavoy	...	...	...	27,480
7. Prome	...	...	...	26,067
8. Henzada	...	...	...	23,651

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

A.—Nominated officials	...	...	...	...	12
B.—Nominated non-officials—					
(a) To represent the Burmese population	...	...	...	9	} 14
(b) To represent the Indian and Chinese Communities	...	...	...	3	
(c) To represent other interests	...	...	...	2	
C.—Nominated experts who may be either officials or non-officials	...	...	...	...	2
D.—Elected members—					
(a) By the Burma Chamber of Commerce	...	...	...	1	} 2
(b) By the Rangoon Trades Association	...	...	...	1	
			Total	...	30
Or including the Lieutenant-Governor	...	...	...	...	31

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

GENERAL CONDITIONS OF REGISTRATION AND DISQUALIFICATIONS.

Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

- (a) is not a British subject; or
- (b) has been adjudged by a competent court to be of unsound mind; or
- (c) is under 18 years of age:

Provided that the Local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects:

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Government of India Act, reported as guilty of a corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period;

Provided that the Local Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

QUALIFICATIONS OF ELECTORS.

(i) *Urban Constituencies.*

Every person shall be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

- (a) is eligible for entry on a municipal electoral roll,
- (b) possesses immoveable property in a Municipality or a notified area or a Cantonment of the value of not less than Rs. 200,
- (c) pays in a Municipality, or a notified area or Cantonment a monthly rental of not less than Rs. 5.
- (d) pays in a Municipality a notified area or a Cantonment yearly rates and taxes (including capitation-tax and land-rate in lieu of capitation-tax) amounting to not less than Rs. 4,
- (e) is an employee living rent-free in his employer's house in a Municipality or a notified area or a Cantonment the rental value of such house not being less than Rs. 5, or

(f) is a retired pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces, or

(g) possesses any of the qualifications prescribed for an elector in a rural constituency. No European or Anglo-Indian shall be entered on the roll.

(ii) *Rural Constituencies.*

Every person shall be entered in the electoral roll of the constituency who has a place of residence in the constituency and (a) pays land-revenue, capitation-tax at married rates, *thathameda*, a tax according to circumstances and property levied under section 26 of the Burma Rural Self-Government Act, 1921; or income-tax, or having been assessed to capitation-tax or *thathameda* are exempted from payment, otherwise than on the ground of poverty; during the financial year preceding that in which the electoral roll is prepared or (b) is a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces:

Provided that within the Municipalities of Kyaukpyu and Thayetmyo, the urban qualifications already enumerated shall have effect.

No European or Anglo-Indian shall be entered in the roll.

(iii) *European Constituency.*

Every person shall be entered in the electoral roll of this constituency, who being a European, has a place of residence in the Province and has any of the qualifications for an elector in an urban or rural Constituency.

A "European" means any person of European descent in the male line, being a British subject and resident on British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile.

(iv) *Anglo-Indian Constituency.*

Every person shall be entered in the electoral roll of this constituency, who being an Anglo-Indian, has a place of residence in the Province and has any of the qualifications of an elector in an urban or rural constituency.

An "Anglo-Indian" means any person being a British Subject and resident in British India,

(i) of European descent in the male line who is not a European, or

(ii) of mixed Asiatic and non-Asiatic descent whose father, grand-father or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the union of South Africa or the United States of America, and who is not a European.

(v) *University Constituency.*

A person shall be qualified as an elector of the Rangoon University constituency who has a place of residence in Burma, and is a member of the Senate or an Honorary Fellow or a Fellow of the University, or a Graduate of the University of not less than three years' standing,

(vi) *Commerce and Industry Constituencies.*

Two representatives of the Burma Chamber of Commerce, one representative of the Burmese Chamber of Commerce, one representative of the Chinese Chamber of Commerce, and one representative of the Rangoon Trades Association respectively will be elected by members of each of the above bodies voting in accordance with regulations to be approved by the Local Government.

B.—QUALIFICATIONS OF CANDIDATES.

A person shall not be eligible for election as a member of the Council if such person—

(a) is not a British subject, or

(b) is a female, or

(c) is already a member of the Council of any other legislative body constituted under the Government of India Act; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(e) has been adjudged by a competent court to be of unsound mind; or

(f) is under 25 years of age; or

(g) is an undischarged insolvent; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the Local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (b) may be removed by an order of the Local Government in this behalf passed in pursuance of a resolution of the Legislative Council :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an enquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Local Government in that behalf.

(5) No person shall be eligible for election as a member of Council, to represent (1) an urban or rural constituency unless such person is registered as an elector in an urban or rural constituency within the province, or (2) a European, Anglo-Indian, University or Commerce and Industry constituency unless such person is registered as an elector in the constituency for which he seeks election.

C.—PLURAL VOTING.

At each election to the Council, no elector shall vote in more than one of the urban, rural, European or Anglo-Indian constituencies ; but an elector shall be at liberty, in addition to voting in one of these constituencies, to exercise any vote to which he may be entitled in the University constituency or in any of the Commerce and Industry constituencies.

D.—CONSTITUTION OF THE LEGISLATIVE COUNCIL.

The Council shall be constituted as follows :—

Seats filled by Election (78)—

Urban seats	...	...	...	20
Rural seats	...	...	...	50
Commerce and Industry seats—				
Burma Chamber of Commerce	...	...	...	2
Burmese Chamber of Commerce	...	...	...	1
Chinese Chamber of Commerce	...	...	...	1
Rangoon Trades Association	...	...	...	1
				<hr/>
				5
University seat	...	...	...	1
European seat	...	...	...	1
Anglo-Indian seat	...	...	...	1
				<hr/>
				3
<i>Nominated (20) :—</i>				
Officials	...	...	...	12
Non-officials	...	...	...	8
				<hr/>
				20
Executive Councillors	...	...	...	2
President (if not a member)	...	...	...	1
To which may be added by the Governor not more than two experts, official or non-official.				
			...	2
				<hr/>
				103
				<hr/>
			Total	103

E.—LIST OF CONSTITUENCIES.

URBAN—20.

Male population
in thousands.

Rangoon	...	...	...	...	...	237
{ Reserved for Burmans	...	...	...	4	...	58
{ Reserved for Indians	...	...	...	3	..	152
{ General	...	...	...	I	...	...
				—	8	
Mandalay	...	...	...	...	...	76
{ Reserved for Burmans	...	...	...	2	..	56
{ Reserved for Indians	...	...	...	I	...	16
				—	3	
Moulmein	..	...	...	...	...	38
{ Reserved for Burmans	...	..	...	I	...	14
{ Reserved for Indians	...	..	...	I	...	21
				—	2	
Akyab	...	..	...	...	...	28
{ Reserved for Burmans	...	...	...	I	...	7
{ Reserved for Indians	...	...	...	I	...	20
				—	2	
Bassein	...	...	...	...	...	28
{ Reserved for Burmans	...	...	...	I	...	13
{ Reserved for Indians	...	...	...	I	...	13
				—	2	
Henzada	...	...	...	...	I	13
Prome	...	...	...	...	I	14
Tavoy	...	...	...	...	I	14
Total			...	—	20	

RURAL—50.

Arakan Division.

Akyab District	...	...	...	2	...	282
Kyaukpyu District	...	...	...	I	...	97
Sandoway District	...	...	...	I	...	55
				—	4	

Pegu Division.

Insein District	...	...	...	I	...	157
Hanthawaddy District	...	...	...	2	...	201
Tharrawaddy District	...	...	...	2	...	246
Pegu District	...	...	...	2	...	235
Prome District	...	...	...	I	...	168
				—	8	

Irrawaddy Division.

Bassein District—	...	...	...	...	...	225
{ General	...	...	...	I	...	...
{ Reserved for Karens	...	...	...	I	...	55
				—	2	
Henzada District	...	...	...	...	2	260
Myaungmya District—	...	...	...	...	...	197
{ General	...	...	...	I	...	...
{ Reserved for Karens	...	...	...	I	...	52
				—	2	
Pyapôn District	...	...	...	...	I	157
Ma-ubin District—	...	...	...	...	...	169
{ General	...	...	...	I	...	...
{ Reserved for Karens	...	...	...	I	...	46
				—	2	

Tenasserim Division.

						Male population in thousands.
Toungoo District	...	...	...	2	...	198
Thatôn District—	...	...	...	...	...	244
{ General	...	...	...	1	...	...
{ Reserved for Karens	...	...	...	1	...	123
						<hr/>
Amherst District—	...	...	...	...	...	185
{ General	...	...	...	1	...	..
{ Reserved for Karens	..	...	...	1	...	45
						<hr/>
Tavoy District	...	...	...	1	...	67
Mergui District	...	...	...	1	...	73
						<hr/>
						8
						<hr/>

Magwe Division.

Thayetmyo District	...	...	...	1	...	125
Pakōkku District	...	...	..	2	...	224
Minbu District	...	...	...	1	...	134
Magwe District	...	...	...	2	...	212
						<hr/>
						6

Mandalay Division.

Mandalay District	1	...	107
Katha District	...	...	...	1	...	128
						<hr/>
						2

Sagaing Division.

Shwebo District	...	...	...	2	...	185
Sagaing District	...	...	...	2	...	155
Lower Chindwin	..	...	...	2	...	157
						<hr/>
						6

Meiktila Division.

Kyaukse District	...	...	...	1	...	70
Meiktila District	...	...	...	2	...	137
Yamèthin District	...	...	...	2	...	161
Myingyan District	..	...	...	2	...	213
						<hr/>
						7
						<hr/>
						50
						<hr/>

APPENDIX II.

Areas to be included in Rural
Constituencies.

(This Appendix reproduces Schedule I of the Rural Self Government Act with the addition of certain Districts or parts of Districts which are indicated with an asterisk.)

Pegu Division.

The Hanthawaddy District.
The Insein District.
The Pegu District.
The Prome District.
The Tharrawaddy District.

Irrawaddy Division.

The Bassein District, excluding—

(a) that portion which lies west of the Yomas,

(b) the following 27 village-tracts situated on the eastern foot-hills of the Yomas:—

THABAUNG TOWNSHIP.

- | | |
|-------------------|-------------------|
| 399. Kwingauk. | 386. Taungkwin. |
| 411. Shwe-Zan-Oh. | 385. Lahakamon. |
| 412. Kyaukpya. | 384. Le-di. |
| 413. Kyungon. | 383. Ngapaikkwin. |
| 414. Sabyugon. | 382. Kwegok. |
| 394. Pyinmahton. | 381. Seinkwin. |
| 389. Kwingyauk. | 380. Mayancho. |
| 393. Wettagale. | |

NGATHAINGGYAUNG TOWNSHIP.

- | | |
|------------------|----------------|
| 1. Nyaungbintha. | 16. Yezin. |
| 2. Pangabin. | 17. Kwinbauk. |
| 4. Kyauktaung. | 18. Gyogon. |
| 3. Kwingyaung. | 19. Chingwin. |
| 13. Kyakatkwin. | 20. Bodaw. |
| 15. Kwingyi. | 21. Nyaungmaw. |

(c) so much of the Ngaputaw Township as does not form part of the area mentioned in (a) above.

The Henzada District.
The Mā-ubin District.
The Myaungmya District.
The Pyapôn District.

Tenasserim Division.

The Amherst District, excluding the Kya-in and Ye Townships, and the Myawaddy *Taikhugyi's* Circle of the Kawkareik Township.

The Mergui District, excluding the Victoria Point Subdivision and the Bokpyin Township.

The Tavoy District, excluding the Kyauk-twin Circle of the Tavoy Township, which comprises the following village-tracts:—

- | | |
|----------------------|---------------------|
| 28. Kyauk-win. | 35. Sinbyu-daing. |
| 29. Put-let-to. | 36. Amya. |
| 31. Paung-daw. | 37. Ayeu. |
| 32. Ka-taung-ni. | 38. Aung-tha-wa-ra. |
| 33. Kyaukton. | 39. Tha-byu-chaung. |
| 34. Myin-mo-let-kat. | |

The Thatôn District, excluding the following village-tracts:—

KYAIKTO TOWNSHIP.

- | | |
|------------------|------------------|
| 1. Bawkata. | 6. Meyon. |
| 21. Thôngwa. | 65. Yewe. |
| 2. Zibyaung. | 64. Malaboo. |
| 3. Wabogyaung. | 63. Piti. |
| 5. Kyauktaga. | 58. Kimmunsakan. |
| 18. Pyinkadogon. | 57. Wingalaw. |
| 13. Inkabo. | 62. Ngapyawdaw. |
| 7. Kyaunggywa. | |

BILIN TOWNSHIP.

- | | |
|----------------------|----------------------|
| 70. Donthami. | 113. Gonnyinnwe. |
| 71. Bawnawki | 72. Asuchaung. |
| 68. Winkale. | 73. Menathan. |
| 67. Peti. | 74. Leke Kyauktaung. |
| 66. Wingadaik. | 75. Wintapan. |
| 80. Melan or Pawpaw. | 76. Kyakatchaung. |
| 81. Winthaung. | 77. Melangaung. |

PA-AN TOWNSHIP.

- | | |
|--------------------|---------------------|
| 344. Palandaung. | 349. Shweok. |
| 345. Takule. | 350. Myatle. |
| 346. Hattalaik. | 351. Pyinmabinseik. |
| 347. Talaingkarin. | |

HLAINGBWE TOWNSHIP.

- | | |
|-----------------------|----------------------------|
| 395. Mepara. | 422. Yinbaing. |
| 396. Bulwe or Tale. | 423. Panapa. |
| 397. Meke or Wmsaw. | 424. Yetagun. |
| 398. Atet Nawri. | 425. Melayaw. |
| 399. Mikyaung | 426. Kamawle. |
| 400. Thamo or Natkyi. | 427. Patalapa. |
| 412. Nwepyinnya. | 428. Tagu or Shanywa-thit. |
| 413. Melawki. | 429. Kyawlaw. |
| 414. Kyautaleko. | 430. Popale or Kuladi. |
| 415. Kwele. | |
| 421. Ma E Ywa. | |

The Toungoo District, excluding the Leiktho Township and the following village-tracts in the Yedashe, Toungoo, Oktwin, Tantabin, Pyu, Kyaukkyi and Shwegyin Townships:—

YEDASHE TOWNSHIP.

- | | |
|------------------|----------------------|
| 20. Gonminkwin. | 51. Payagon (saing). |
| 32. Nagyat. | 52-53. Sandawboywa. |
| 33. Padaukkôn. | 54. Loyanbouk. |
| 36. Gwethe. | 55. Chiyu. |
| 47. Kayinlegyin. | 56. Myaungtha. |
| 48. Thitpokbin. | 57. Sagwe (Panun). |
| 49. Chaungmagyi. | 58. Myaungthagyi. |
| 50. Okpo. | |

TOUNGGOO TOWNSHIP.

- | | |
|-------------------|----------------------|
| 13. Tawbyagyi. | 51. Kunbin. |
| 14. Thandaung. | 52. Kunthibin. |
| 15. Ywagyi. | 53. Shaukbin-chaung. |
| 16. Kyauktaing. | 54. Sibingale. |
| 17. Tabye. | 55. Bamo. |
| 18. Kyettaik. | 56. Tonbo. |
| 38. Sinzwemyaung. | 57. Ngagamauk. |
| 39. Yakaing. | 58. Pathichaung. |
| 40. Wetkawksein. | Rubber Estate. |
| 41. Pabetegyi | |

OKTWIN TOWNSHIP.

- | | |
|----------------------------|---------------|
| 11. Bonywa (Bonyatmyaung). | 31. Sabagywe. |
| 20. Letpangon. | 56. Teinmyok. |

TANTABIN TOWNSHIP.

- | | |
|----------------------|---------------------------|
| 28. Myatswachaung. | 48. Kanazobin. |
| 29. Onbinchaung. | 49. Taunggyi (Metindein). |
| 30. Yetagun. | |
| 31. Lamaingbya. | 50. Eingyi. |
| 32. Bawgaligale. | 51. Binbet. |
| 33. Bawgaligyi. | 52. Awa-aing. |
| 34. Pyaungtho. | 53. Chipyaung. |
| 35. Sabagyi (Tabye). | 54. Kyaukpya. |

TANTABIN TOWNSHIP—concl'd.

- | | |
|--------------------|-------------------|
| 36. Kulaung. | 55. Thayedo. |
| 37. Maungdaingyi. | 56. Zindainggyi. |
| 38. Yethogyi. | 57. Zindainggale. |
| 39. Hantho. | 58. Zinbon. |
| 40. Bosandego. | 59. Teikpu. |
| (Bokalego). | 60. Pyaungmatho. |
| 41. Mekyaw (Dodo). | 61. Bwebawdo. |
| 42. Thalobwa. | 62. Yawchi. |
| 43. Hochi. | 63. Tetmagauk. |
| 44. Shoko. | 64. Sukedo. |
| 45. Ubo. | 65. Busachi. |
| 46. Hawludo. | 66. Chaungmange. |
| 47. Thamudo | |
| (Mawkudo). | |

PYU TOWNSHIP.

- | | |
|---------------|--------------|
| 4. Kyetpaung- | 5. Pabwe-te. |
| chaung. | |
| 64. Kyimano. | |

KYAUKEYI TOWNSHIP.

- | | |
|------------------|------------------|
| 45. Kyathaung- | 40. Tiyobawgata. |
| daung. | 35. Paungzeik. |
| 47. Kyaukponale. | 34. Mayan- |
| 46. Kyaukpon | myaunggyi. |
| South. | 38. Kumaing. |
| 54. Katpelangwe. | 39. Tinpakaw. |
| 55. Onbinmyaung. | 50. Mawthogyi. |
| 56. Iesuko. | 41. Yebu. |
| 57. Khedo. | 36. Wagatkyi. |
| 53. Yemyogan. | 37. Seikchaung. |
| 52. Zinga. | 42. Mebok. |
| 51. Nithe | |

SHWEGYIN TOWNSHIP.

- | | |
|---------------------|------------------|
| 13. Banchaung. | 34. Medaing |
| 27. Binban. | (Chaungwa). |
| 54. Dawviko. | 52. Museko. |
| 19. Kyonchaung. | 56. Padetchaung. |
| 24. Kyonpa- | 31. Payagale. |
| gupya. | 23. Payataung. |
| 17. Kyonpanga. | 47. Kulataung. |
| 40. Lewa. | 61. Shanywa. |
| 20. Leyat | 48. Sinbyu-aing. |
| 43. Kamataw. | 37. Tathulaw. |
| 14. Mothabyu | 33. Mayawko. |
| 40. Mekadi. | 25. Tinyana. |
| 44. Melaw | 36. Tipado |
| 41. Mepaung. | 32. Tithabyu. |
| 26. Mepyaw. | 38. Ubokchaung. |
| 23. Methana. | 28. Yethaung. |
| 42. Methaung. | 15. Kyachaung. |
| 18. Mewaing. | 16. Kyauktan. |
| 39. Meyit. | 35. Kunpe. |
| 51. Mezaung (atet). | 53. Kokalaw. |
| 50. Mazaung (auk) | 75. Sawpedo. |
| 55. Tigale. | |

Arakan Division.

The Akyab District excluding the following village-tracts:—

MINBYA TOWNSHIP.**Tawban South Circle.**

Upper Wetchaung. Upper Thanchaung.
Lower Wetchaung. Lower Thanchaung.

KYAUKTAW TOWNSHIP.**Kyauktaw Circle.**

- | | |
|---------------|------------------|
| 54. Law Aung. | 55. Pinzaingmro. |
|---------------|------------------|

Thauktaung Circle.

- | | |
|-----------------|------------------|
| 59. Thabaukkan. | 85. Kalachaung. |
| 68. Thamin. | 86. Kanyingaung. |
| 69. Thawan. | 87. Nataran. |
| 84. Tpahtin | 88. Luingyan. |

Myauktaung Circle.

- | | |
|---------------|-------------|
| 94. Prangtin. | 95. Tinmin. |
| 99. Patsan. | |

MYOHAUNG TOWNSHIP.**Ranchaung Circle.**

- | |
|-------------------|
| 29. Atwinpaukpin. |
|-------------------|

Myohaung Circle.

- | | |
|-----------------|--------------|
| 91. Shome. | Upper Sinke. |
| 99. Sinke. | Letpindaw. |
| 100. Pyelongyi. | Sainghtin. |
| Konchaung. | Matan. |

BUTHIDAUNG TOWNSHIP.**Saingdin Circle.**

- | | |
|-------------|--------------------|
| 214. Lemyo. | 217. Uchaungpinle. |
| 216. Kayin. | 221. Laungyon. |

Upper Kalapansin Circle.

All Village-tracts.

MAUNGDAW TOWNSHIP.**Myothitchaung North Circle.**

- | | |
|-----------------------|---------------------|
| 36. Intula. | 262. Letyachaung. |
| 64. Thetkebyin. | 43. Kyaungnape. |
| 7. Reaung. | 42. Pangaing. |
| 41. Sonnyamazi. | 28. Yenaukngatha |
| 60. Tanchaung. | 75. Badaya Kondaing |
| 32. Hmaingzaye Setsi. | 23. Wetkyin Sinkye. |
| 26. Thanbaya Inshe | 44. Gritchaung. |
| 81. Tatchaung. | 79. Gritchaungpya. |
| 22. Pyaunglaung. | |

PÖNNAGYUN TOWNSHIP.**Yotarok Circle.**

- | |
|--------------------|
| 204. Taungmin Myo. |
|--------------------|

* The Kyaukpyu District.

* The Sandoway District.

Mandalay Division.

The Mandalay District, excluding the Maymyo Subdivision.

* The Katha District excluding the Mogök Subdivision and the area to which the Kachin Hill Tribes Regulation, 1895, applies.

Magwe Division.

The Magwe District.

The Minbu District, excluding the Sidök-taya and Ngapè Townships and the following:—

(a) A strip of land along the western boundary of the Salin Township containing the village-tracts of:—

- | | |
|-------------|----------------|
| Tanyauktin. | Ngahlaingdwin. |
| Kyauk-o. | Kinbunchon. |
| Kywe-U. | |

(b) A strip of land lying along the south-west boundary of the Sagu Township containing the village-tracts of:—

- | | |
|-------------|----------------|
| Pagangan. | Kaingmagyi. |
| Minhlagyin. | U-Yin. |
| Khokgyi. | Thanbayagaing. |
| Padaung. | Payaywa. |

Pein-ne-bin.

The Pakokku District, excluding the Gangaw, Saw and Tilin Townships.

The Thayetmyo District, excluding the Mindôn Township and the following village-tracts in the Kama, Minhla, Allanmyo and Sinbaungwe Townships:—

KAMA TOWNSHIP.

- | | |
|----------|-------------|
| Kyin-ye. | Kyauk-me. |
| Mon-da. | Pinkadaing. |
| Tha-zi. | Payon-hla. |

KAMA TOWNSHIP—concl'd.

Ywa-tha-hla.	Kyaukpyok.
Gyo-bin.	Suk-wa.
Mi-bauk.	Pyindaung.
Thayet-kyauung.	Alègyaung.
Tantabin.	Si-ywa.

MINHLA TOWNSHIP.

Si-bauk-mo.	Lein-kyaw.
Sin-daung.	Gandaunggyin.
Saing-she.	Gyosan.
Sin-gaung.	Letpantaga.
Tabuwa.	Kandok.
Kyet-ok.	Kawin.
Ale-tabu.	Myothit.
Nyaung-nwe.	Pyin-daung.
Sin-yin.	Aukkaing.
Thwe-kyauk.	Madaing.
Dinbon.	Takutyin.
Ngayok-kaung.	Hle-zin.
Ywapon.	Nyaunglezin.
Atet-ye-yin.	Kyington.
Sa-dwin.	Shwegyaung.
Magyi-gon.	Kyauk-tat.
Banbyin.	Kaingnge.
San'le.	Shandat-gyi.
Pauktaing.	Yegyaw.

ALLANMYO TOWNSHIP.

Tatkon.	Thayetchaung.
Nyaung-pu-ket.	Magyigon.
Hlandin.	U-yin.
Pein-in.	Tindaw.
Koungyi.	Kyauk-kwe.
Kywe-gaung.	Kyauk-o.
Put-kye-du.	Pyauung-the.
Sakan-gyi.	Kadin-yet-thi.
Inle.	Kayin-ma-san.
Yedin.	Kathitsan.
Subok.	Maletha.
Kyinkongyi.	Kyet-thun-gin.
Tagundaing.	Kyu-wut.
Letpagon.	Hnauk-san.
Thonywasaing.	Vedwingyi.
Thitmyo.	Bwet-ngok.
Thatzazan.	Swedon.
Tapazan.	Talok-pin.
Thayetzan.	Thet-nge-byin.
Kodaung.	Nga-hlauk.

Hton-gyo.**SINBAUNGWE TOWNSHIP.**

Man-gin.	Kam-kyauung.
Zein-gon.	Pe-le.
Ywama.	Pain-bin.
Manza.	Tha-bye-zan.
Nget-pyaw-gyin.	Bwet-zan.
Nga-zin-aing.	Zi-byu-gon.

Meiktila Division.

The Kyaukse District, excluding the Yevaman Tract of the Singaing Township.

The Meiktila District, excluding the area in the Thazi Township which was not included in the settlement operations of 1907—10

The excluded area comprises the following village-tracts:—

THAZI TOWNSHIP.

Indaingtha.	Thebut.
Thengetaik.	Kywedat.
Kywedatson.	Kyatsakhan.
Tagundaing.	Lebyin.
Pyi-nyaung.	Thidwin.
Songyi.	Myindaik.
Waywet.	Kabani.

The Myingyan District.

The Yamèthin District, excluding the following village-tracts:—

YANAUNG TOWNSHIP.

2. Sandaw.	45. Wayindok.
3. Thibin.	94. Medi.
5. Kyaungywa.	95. Magyigôn.
7. Mibayagôn.	113. Segan.

8. Okshitmyaung.	121. Thaikmyaung.
9. Shanzugôn.	124. Kangyi.
15. Seywa.	126. Thapangyaung.
17. Taungle.	127. Nyandaw.
20. Kyaukpôn.	129. Bawdigôn.
23. Kande.	130. Thigôn.
26. Myinde south.	131. Hlaingpan.
27. Ketlangyin.	134. Lethagôn.
28. Natsonmaw.	136. Gegyi.
29. Telebin.	138. Pebinye.
31. Letthegyo.	139. Thazi.
32. Tabin.	140. Thitsongyi.
33. Aingdo.	141. Yingatkon.
35. Nyaunggôn.	142. Plwa-azin.
36. Pyawgôn.	144. Sattogyi.
43. Kontha.	

PYAWBWE TOWNSHIP.

23. Twinywa.	136. Yebyu.
24. Kontha.	137. Paungdaw.
29. Shwenyaungbu.	138. Mogaung-taung.

YAMETHIN TOWNSHIP.

3. Kyaukpu.	118. Chinzu.
4. Indawgyi.	121. Zibyugôn.
27. Nanlôn.	125. Kyaunggôn (Sindwin).
29. Tanaunggôn.	126. Wabyudaung.
73. Bwet.	129. Kyaunggôn (Hinthagôn).
75. Indaing.	140. Nyaunggôn.
77. Pinbya.	141. Taungbotha.
79. Ye-u.	144. Onbin.
88. Myohla.	146. Thagya-hin-o.
90. Alegyan.	147. Thitsebin.
91. Mezaligyun.	182. Natkin.
92. Letpan.	185. Kangvi.
93. Pinzu north.	186. Kyatpye.
94. Wayondaw.	195. Kyaukmyaik.
100. Hlwabôn.	199. Pyazi.
101. Nanwingyin.	200. Aingdo.
102. Kyi-in.	
104. Inbin.	

PYINMANA TOWNSHIP.

1. Iezabin.	19. Payadaung.
2. Thanbayagôn.	20. Myetye.
3. Gwegyi.	21. Ainggye.
4. Ye-E.	23. Moswe.
5. Nyaunggôn.	25. Ledgyi.
8. Shadaw.	26. Monhnit.
9. Taungnyo.	28. Maungyan.
11. Mayagôn.	29. Milaunggôn.
12. Ma-u-lebin.	30. Nganzat.
13. Mathein.	42. Thabyegôn.
15. Thayettaw.	50. Alegyaung-Bawgada.
16. Tetshein.	151. Kwetugyi.
53. Koywa (Nancho).	152. Kwetugale.
55. Kyalengôn.	153. Ngokchaung.
63. Htandawgyi.	156. Mebauk.
67. Thabyegôn (Kyogôn).	162. Thittun.
69. Magyigôn.	163. Banpa.
72. Nanaw.	164. Kodit.
73. Tegn.	166. Hlesatpyin.
77. Chaungbya.	167. Chaungbya.
134. Yezin.	168. Kainggale.
140. Kadozeik.	170. Chaungmagyi.
18. Lebyinma.	172. Hebyôn.

LÈWE TOWNSHIP.

2. Ohshit-hlaing.	20. Madawbin.
5. Ku-hna-lonsezu.	45. Pannyosan.
6. Kyauktalôn-Kyaungzu.	49. Chaunggyo.
7. Thayetchaung.	80. Hnetkyi-daung.
8. Shwedawmyaung.	82. Alegyun.
9. Dalangyun.	84. Thitkyein.
10. Kyathaung-daung.	90. Pinthaung.
11. Minbyin.	94. Pedonmyaung.
13. Chaunggwa.	96. Talokpin.
15. Kontha.	97. Thayetkôn.
17. Kantha.	101. Yabein.
18. Shanzu.	102. Aunggalein.
	100. Minye.

Sagaing Division.

The Lower Chindwin District.

The Sagaing District.

The Shwebo District.

APPENDIX III.

LIST OF WITNESSES EXAMINED BEFORE THE COMMITTEE.

(The names of the witnesses are arranged in the order in which they were examined by the Committee.)

RANGOON.

Mr. F. Lewisohn, I.C.S., Chief Secretary to the Government of Burma.
 Mr. J. MacKenna, C.I.E., I.C.S., Development Commissioner.
 Maung Shwe Zan Aung, A.T.M., Burma Civil Service.
 Mr. W. H. L. Cabell, I.C.S., Commissioner, Pegu Division.
 Mr. Gavin Scott, I.C.S., President, Rangoon Municipality.
 Mr. J. S. Furnivall, I.C.S., Commissioner of Settlements and Land Records.
 Maung Ba Kin, K.S.M., T.D.M., Eastern Subdivisional Magistrate, Rangoon.
 Mr. Lewisohn, I.C.S., Chief Secretary to the Government of Burma, (recalled).
 Maung Ba Oh, K.-I.-H., M.L.C., Timber Merchant and Raft Agent, Bombay Burma Trading Corporation, Limited, Rangoon.
 Mr. B. W. Swithinbank, I.C.S., Deputy Commissioner, Prome.
 Maung Ba Pe, Subdivisional Officer, Shwedaung.
 Maung Po The, Headquarters Assistant, Prome.
 Mr. A. B. Ritchie, M.L.C., representing the Burma Chamber of Commerce (*Chairman*).
 Mr. J. A. Swan, Messrs. Steel Brothers & Co., representing the Burma Chamber of Commerce.
 Mr. I. R. D. Glascott, Agent, Burma Railways, representing the Burma Railways.
 Mr. J. A. Cherry, C.I.E., M.L.C., representing the Commissioners for the Port of Rangoon (*Chairman*).
 Mr. T. F. R. Macdonnell, *Barrister-at-Law*, representing the European Association.
 Mr. G. S. Clark, representing the Rangoon Trades Association (*President*).
 Mr. Khoo Ee Khwet, representing the Chinese Chamber of Commerce (*Chairman*).
 Mr. J. E. DuBern, O.B.E., M.L.C.
 Mr. S. A. Christopher, *Barrister-at-Law*, representing the Anglo-Indian and Domiciled European Association (*President*).
 Mr. E. J. L. Andrew, representing the Anglo-Indian and Domiciled European Association (*Secretary*).
 Mr. G. S. Wiltshire, representing the Anglo-Indian and Domiciled European Association (*Member of Council*).
 Mr. N. M. Cowasji, *Barrister-at-Law*.
 Mr. Vedamurti, Editor, "Rangoon Daily News."
 Mr. P. D. Patel, *Barrister-at-Law*, President, Insein Municipality.
 Mr. Ah Yain, *Barrister-at-Law*.
 Mr. Loo Ni, *Barrister-at-Law*.
 Maung Po San, Pleader, Myaungmya. } Representing the Karen community.
 Maung Ba Kin. }
 Mr. C. Morgan-Webb, C.I.E., I.C.S., Chairman, Rangoon Development Trust.
 Mr. G. H. Munro.
 Mr. J. A. Maung Gyi, *Barrister-at-Law*.
 Maung Po Han, District Judge, Hanthawaddy and Insein Districts.
 Maung Kyaw, *Barrister-at-Law*, Tharrawaddy.

MANDALAY.

Mr. Johannes, *Barrister-at-Law*, Municipal Commissioner, Mandalay.
 Mr. R. C. Aiyangar, B.A., B.L., Advocate and Government Prosecutor, Mandalay.
 Maung Set, Assistant Accountant-General.
 Maung Kan Baw, Advocate, Pyinmana (Zerbadi).
 Maung Nyun, M.B.E., A.T.M., M.L.C., Municipal Commissioner, Mandalay.
 Mr. Taw Sein Ko, C.I.E., I.S.O., Mandalay.
 Maung Po Mya, Advocate, Yamethin, representing Burmese Christians.
 Maung Min Din, Yamethin, (Zerbadi).
 Maung Saw Hla U, Mill-owner, Mandalay.
 Maung Thin, K.S.M., retired Extra Assistant Commissioner, Mandalay.
 Maung Ba, Arakan Pagoda Trustee and Honorary Magistrate, Mandalay.
 Maung Po Shwe, K.S.M., retired Extra Assistant Commissioner, Mandalay.

Maung Pe, A.T.M., T.P.S., Arakan Pagoda Trustee, Mandalay.
 Maung Ta Ye, Arakan Pagoda Trustee, Mandalay.
 Maung Ba On, Advocate and Municipal Commissioner, Shwebo.
 Mr. M. A. Jan, Advocate and Contractor, Mandalay.
 Maung Mya, Advocate, Mandalay.
 Maung Suleman, Honorary Magistrate, Mandalay.
 Khan Bahadur Ali Akbar Sherazee, Honorary Magistrate, Mandalay.
 Maung Kya Gaing, Timber Merchant, Mandalay.
 Maung Tin Gyi, Superintendent of Land Records, Lower Chindwin District, Mònywa.
 Mr. C. F. Grant, I.C.S., Deputy Commissioner, Mandalay.
 Maung Shwe Tha, K.S.M., Deputy Commissioner, Sagaing.
 Maung Sein Yo, Subdivisional Officer, Ye-u, Shwebo District.
 Maung Set Pu, Trader and Municipal Commissioner, Mandalay.
 Mr. H. A. Thornton, C.I.E., I.C.S., officiating Commissioner, Mandalay Division.
 Mr. W. E. Lowry, I.C.S., officiating Financial Commissioner, Burma.
 Mr. J. L. McCallum, I.C.S., Deputy Commissioner, Meiktila.
 Mr. E. H. Jones, I.C.S., officiating Commissioner of Excise, Burma.
 Maung Chit Pe, Advocate, Madaya (Zerbaddi).
 Maung Po Yun, T.P.S., Advocate, Kyauksè.

MOULMEIN.

M. H. L. Stevenson, I.C.S., officiating Commissioner, Tenasserim Division.
 Mr. D. F. Chalmers, I.C.S., Deputy Commissioner, Thatôn.
 Mr. E. G. Robertson, Superintendent of Excise (Salt), Moulmein.
 Mr. M. M. Rafi, *Barrister-at-Law*, President, Municipal Committee, Moulmein.
 Saw Pa Dwai, Karen National Association, Thatôn.
 Maung Po Tu, Deputy Inspector of Karen School, Thatôn.
 Saw Hla Aung, Special Power Headman, Kawyin Village, Pa-an Township, Thatôn District.

RANGOON.

Lieutenant-Colonel C. S. Thane, representing the Planters Association.
 Mr. S. Banerji, Pleader, Toungoo.
 Maung Po Hla, K.S.M., A.T.M., officiating Deputy Commissioner, Pyapôn.
 Mr. Lim Chin Tsong, O.B.E., M.L.C.
 Maung May Oung, *Barrister-at-Law*.
 The Hon'ble Mr. Justice J. G. Rutledge, K.C., *Barrister-at-Law*, representing the Rangoon University.
 The Hon'ble Mr. Justice Maung Kin.
 Mr. F. A. Leete, Chief Conservator of Forests, Burma.

BASSEIN.

Maung Po Kha, Pleader, Kyônpyaw.	}	Representing the Bahuthura Association.
Maung Pe Su, Pleader, Kyaunggon.		
Maung Maung Gale, Pleader, Ngathainggyaung.		
Maung Myat Tun, Trader and Honorary Magistrate, Kyaunggon.		
Maung Po Saing, Trader and Honorary Magistrate, Kyaunggon.	}	Representing Christian Pwo-Karen community of Bassein.
Maung Po Pe, K.S.M., A.T.M., Deputy Commissioner, Ma-ubin.		
Rai Sahib R. P. Sen, <i>Barrister-at-Law</i> , Bassein.	}	Representing Christian Pwo-Karen community of Bassein.
Maung Shwe Ba, Teacher.		
Abie Shwe Hla, Teacher.		
Maung Tein, <i>Ex-Headman</i> and land-owner.		
<i>Saya Shwe Hla</i> , Pastor.		
Maung Pa, Pleader, Myaungmya, General Council of Pwo-Karen Associations.		
Mr. H. Clayton, C.I.E., I.C.S., officiating Commissioner, Irrawaddy Division.		
Major A. S. B. Roberts, I.A., Deputy Commissioner, Bassein.		
Maung Hpay, Headman, Einmè, Myaungmya District (Zerbaddi).		

RANGOON.

Mr. W. B. Brander, C.B.E., I.C.S., Secretary to the Government of Burma.
 Mr. C. Morgan Webb, C.I.E., I.C.S., Chairman of the Rangoon Development Trust (recalled).
 Mr. S. G. Grantham, I.C.S., Superintendent of Census Operations, Burma.
 Mr. W. Booth-Gravely, I.C.S., Revenue Secretary to the Government of Burma.
 Mr. C. H. Campagnac, *Barrister-at-Law*.
 Maung Kun, Kamase Village, Pegu District.
 Mr. J. S. Furnivall, I.C.S., Commissioner of Settlements (recalled).
 Mr. C. A. Snow, F.E.S., Assistant Director of Public Instruction.

APPENDIX IV.

NOTES FURNISHED TO THE COMMITTEE BY THE LOCAL GOVERNMENT.

I.—Note of the Local Government's views on the subject of the Franchise and of Transferred Subjects, etc.

1. The terms of reference to the Whyte Committee have not yet been announced, but for the purposes of this note it is assumed that the Committee will be asked to advise as to—

- (a) the composition of the Legislative Council (*e.g.*, number of elected members, of nominated members and of *ex-officio* members);
- (b) the electorates to be constituted for the Legislative Council;
- (c) the qualifications of electors in these electorates;
- (d) the qualifications of candidates;
- (e) the division of subjects into reserved and transferred;
- (f) the qualifications of electors for constituencies in Burma of the Council of State and the Legislative Assembly—*vide* this Government's letter No. 997—3L-4, dated the 23rd August 1921, to the Government of India in the Legislative Department (Annexure A).

In view of the fact that Rule 3 of the Devolution Rules and the Schedule thereto showing the classification of subjects as central and provincial already apply to Burma, it is presumed that the Committee will not be concerned with the question of the division of functions between the Central and the Provincial Governments.

(a) Composition of the Legislative Council.

2. The Local Government's proposals for the composition of the Legislative Council are as follows :—

A.**ELECTED MEMBERS.**

Representatives of districts	...	...	...	45
Representatives of large towns	...	...	...	15
Elected by the Burma Chamber of Commerce	...	...	...	2
Elected by the Rangoon Trades Association	...	...	...	1
Elected by the University of Rangoon	...	...	...	1
Elected by the European community (European being defined as a person of European parentage on both sides)	...	...	...	1
Elected by the Anglo-Indian community	...	...	...	1
Total	...	...	...	66

B.**NOMINATED MEMBERS.**

Eight non-officials to be nominated by the Local Government for races or interests inadequately represented by the elected members	...	...	...	8
Four non-officials to represent commercial interests, of whom one shall be a Burman, one an European or Anglo-Indian, one an Indian and one a Chinese	...	...	...	4
Twelve officials	...	...	...	12
Total	...	...	...	24

C.**EX-OFFICIO MEMBERS.**

Two members of the Governor's Council	...	...	...	2
GRAND TOTAL	...	...	...	92
Or, including the President, if the President is not a member of the Council	...	...	...	93

(b) *Electorates.*

3. It is proposed that each of the following fourteen districts, which have a population of 350,000 each (exclusive of the population of towns, which get separate representation) should be represented by two members:—

Amherst.	Magwe.	Shwebo.
Akyab.	Myaungmya.	Tharrawaddy.
Bassein.	Myingyan.	Thatôn.
Hanthawaddy.	Pakôkku.	Toungoo.
Henzada.	Pegu.	

And each of the following 17 districts should be represented by 1 member:—

Insein.	Ma-ubin.	Sagaing.
Katha.	Meiktila.	Sandoway.
Kyaukpyu.	Mergui.	Tavoy.
Kyaukse.	Minbu.	Thayetmyo.
Lower Chindwin.	Prome.	Yamèthin.
Mandalay.	Pyapôn.	

4. It is proposed to exclude altogether from the scheme of territorial electorates the following seven Frontier districts, the majority of the inhabitants of which belong to non-Burman primitive races:—

Arakan Hills.	Myitkyina.	Upper Chindwin.
Bhamo.	Putao.	
Chin Hills.	Salween.	

The Shan States, it may be noted, do not fall within the purview of the scheme at all, as they are being dealt with separately by a notification under section 52A, sub-section (2), of the Government of India Act.

5. The 15 urban members would be elected by the following towns, *i.e.* :—

		Population.	Members.
Rangoon	...	339,527	5
Mandalay	...	147,429	3
Moulmein	...	61,160	2
Akyab	...	36,539	1
Bassein	...	42,563	1
Henzada	...	23,644	1
Prome	...	25,050	1
Tavoy	...	27,489	1
Total			15

These eight towns are the largest towns in the Province, and the basis adopted has been to give one member to each town with more than 20,000 and less than 50,000 inhabitants, two members to a town with over 50,000 and less than 100,000, and three members to a town with over 100,000 and less than 150,000. Theoretically, on this basis Rangoon should get seven members, but of the population of Rangoon at least 100,000 belong to what may be called the migratory Indian coolie population who pay no taxes, are illiterate and have little stake in the country, so that Rangoon will actually be well represented with five members.

6. It will be observed that communal electorates are proposed only for Europeans and Anglo-Indians. The case for communal representation for Europeans is based on the important part which this community has played, and must continue to play, in the development of the Province. Unless communal representation for Europeans is provided for, it is morally certain that no non-official European will find a place in the Legislative Council except by nomination by the Local Government; and it is considered more satisfactory that the representatives of the European community should be elected by that community, than selected by that Local Government. Communal election for Anglo-Indians is proposed on somewhat similar grounds, *i.e.*, that unless such representation is provided Anglo-Indians will have no chance of being elected for a general constituency, and that a communal electorate is more satisfactory than Government nomination. The constitution of communal electorates for these communities received general support from the Southborough Franchise Committee in paragraph 17 of their Report. As regards other communities, in the original draft of the "Craddock Scheme" provision was made for communal electorates for Indians and Chinese in the joint constituency of Rangoon, Insein and Syriam. Subsequently it was found that public opinion in the Chinese and Indian communities was not in favour of such electorates, and the provision was accordingly dropped. The objections to communal electorates have been set out in the Montagu-Chelmsford Report and need not be recapitulated here. The Local Government believes that the Indian and the Chinese communities by reason of their ability, enterprise and wealth will have no difficulty in securing representation in the Legislative Council commensurate with the interest which these communities are likely to take in the working of the Reforms. About the Karen

community the Local Government is somewhat more uncertain. It is hoped that the grant of two members each to districts like Amherst, Thatôn and Toungoo, where Karens are numerous, may result in giving Karens adequate representation. It may be urged that if a communal electorate is conceded to the European community, it should be conceded to the Karen community too. The reply to this argument is that the European community is not an integral part of the population of the Province, and that the grant of a communal electorate will not stereotype an unnecessary division, or encourage a backward minority to settle down into a feeling of satisfied security, (*vide* paragraphs 229 and 230 of the Montagu-Chelmsford Report). If the communities referred to fail to secure adequate representation through the general electorates it will be necessary to provide it by means of nomination.

7. Commerce will be represented by three elected members, two to be elected by the Burma Chamber of Commerce and one by the Rangoon Trades Association, neither of which bodies is confined to Europeans, and by four nominated members; and the Local Government considers that this representation will be found adequate.

8. As regards backward tracts the areas which the Local Government proposes to exclude for the present from representation on the Legislative Council are the seven districts stated above. These seven districts are also excluded from the scope of the Rural Self-Government Act. The reason for this exclusion is that the majority of the people of these seven districts, being Kachins, Chins, Kamis and Shans are too backward to exercise the franchise. It is for the consideration of the Committee whether in those districts for which representation on the Legislative Council is proposed, the areas which it has been found necessary to exclude from the scope of the Rural Self-Government Act should also be excluded from the franchise for the Legislative Council. The exclusion in the case of the Rural Self-Government Act has been dictated by the consideration that communications in the excluded areas are very difficult and render administration by a central representative body difficult; in a few cases the backward nature of the population in the excluded tracts has been an additional consideration. The former consideration has hardly the same force in the matter of the franchise for the Legislative Council, and it is probably desirable that there should be no exclusions for this purpose in the 31 districts specified. There would be no objection to prescribing that one or more of the eight nominated non-officials shall be nominated to represent the excluded districts, just as in Madras it is laid down that five persons are to be nominated to represent five different communities, and one "to represent the inhabitants of backward tracts," and in Bengal two members are nominated to represent the Indian Christian community and the depressed classes.

9. The necessity for ensuring adequate representation of non-Burman communities and of backward tracts explains why it is thought desirable to provide for as many as eight non-officials being nominated to represent races or interests inadequately represented by the elected members.

(c) *Qualifications of Electors.*

10. In the "Craddock Scheme," as adopted in a modified form by the Government of India in their despatch No. 1, dated the 25th March 1920, to His Majesty's Secretary of State, provision was made for indirect election. The Government of India in that despatch stated that they had never been in favour of the method of indirect election, and had opposed its application to the Indian Legislative Assembly and the Council of State. But in the case of Burma they saw no alternative to its adoption because it was a question of basing the electoral rolls either on the assessment of land-revenue or else on the *thathameda* or capitation-tax rolls. The latter would yield a rural electorate of about 2,000,000 whereas the largest rural electorate proposed for any Indian Province did not include more than 1,300,000 voters in a population of 45 millions.

11. As regards basing the electoral rolls on the land-revenue assessment, it was pointed out in paragraph 24 of the Local Government's letter of the 22nd January 1920, that land-revenue in Burma is levied not by fixed assessment but by assessments varying from year to year according to the crop raised or sown and other factors, that it would be difficult to maintain electoral registers on the basis of payment of land-revenue above a fixed standard, that in some Lower Burma districts a large percentage of assesses were non-cultivating absentee landholders, that an electoral roll based on land-revenue assessment above a certain standard would disfranchise a large proportion of genuine cultivators, that holdings are frequently scattered and that the preparation of electoral registers in respect of such landholders would entail many practical difficulties. The Standing Joint Committee have, however, expressed a preference for direct over indirect election, wherever the former may be found to be practicable, and in view of this expression of opinion and also of the rapid political development which the Province is making and the widespread interest that is now being taken by Burmans in political questions, the Local Government does not desire to adhere to its original recommendation that election to the Legislative Council should be indirect.

12. On the other hand, the Local Government's objections to direct election based on land-revenue assessment have been reinforced by a rough enquiry which was made last year into the possibility of finding a suitable minimum figure for a franchise based on land-revenue assessment. This enquiry revealed an extraordinary diversity in the conditions of

every district as regards the number of landholders paying land-revenue above various minima. If the same minimum limit of land-revenue assessment were fixed for all districts, the proportion of the population entitled to a vote in the different districts would vary enormously. If on the other hand, any attempt were made to equalise the proportion in all districts it would be necessary to have a different minimum figure for almost every district in the Province. Moreover, land-revenue as a basis for the franchise would disfranchise a very large number of shop-keepers and petty traders whose political intelligence and whose stake in the country would certainly be no less than those of the average payer of land-revenue.

13. The Local Government has reached the conclusion that, although there are obvious difficulties about taking capitation-tax and *thathameda* as a basis for the franchise, these difficulties are less objectionable and insuperable than those which would attend the adoption of the land-revenue assessment by itself. A franchise based on payment of *thathameda* and capitation-tax as well as of land-revenue of any amount would result in giving the vote to a large number of people who are scarcely competent to use it, but except as a matter of degree that objection would extend equally to a land-revenue assessment basis. It will also involve very heavy labour in the preparation of electoral rolls. The labour will, however, be purely mechanical, for it will merely involve a copying-out of the capitation-tax and *thathameda* rolls as they stand, whereas the preparation of an electoral roll based on payment of land-revenue above a certain figure would entail a careful and meticulous search of the land-revenue registers. It will also involve the establishment of a very large number of polling stations, but it would be necessary to have nearly as many polling stations if a land-revenue franchise were adopted, as, although the number of electors on that franchise might be much smaller, they would be no less scattered.

14. To the objection that this franchise would give Burma a far larger rural electorate than has been given to any Province in India, a sufficient answer is to be found in the wide diffusion of literacy, and the high standard of general intelligence, which is a characteristic of the rural population of this Province. According to the 1911 Census the number of literate males and females per 1,000 was 376 and 61 respectively, while no other Province in India had a higher figure than 140 for males and 14 for females. It is, also, not inapposite to suggest that the larger an electorate, the less the likelihood of unscrupulous persons securing election by corrupt means.

15. The Local Government has deliberately adopted *thathameda* and capitation-tax as the main basis of the electorates for the future rural bodies of the Province. Any practical difficulties which may be involved in the adoption of this franchise for the Legislative Council will have to be and will be surmounted in connection with the election for rural bodies. A copy of Order 1 under Schedule II of the Burma Rural Self-Government Act, which prescribes the qualifications of electors for these local bodies, is attached to this note (Annexure B). The Local Government is therefore of opinion that the qualification of electors for rural areas for the Legislative Council should be based on—

(a) residence in the district, and

(b) assessment to land-revenue, income-tax, capitation-tax, *thathameda* or a tax levied under section 26 of the Burma Rural Self-Government Act, 1921.

The minimum age should be 21 and not 18 as in the case of Circle Boards. Possession of any of the qualifications prescribed for an elector of an urban constituency should also qualify for a vote for a rural constituency, provided the elector resides in a rural constituency.

16. If this recommendation is adopted, there will be no disfranchisement on account of sex, and women who pay land-revenue, however little, or income-tax in any part of the Province will be entitled to vote. There will be a slight inequality between Upper and Lower Burma, because in Upper Burma women are assessed to *thathameda* if they are heads of households, while in Lower Burma women do not pay capitation-tax. The number of women who are assessed to *thathameda*, is, however, comparatively insignificant, and this advantage to women in Upper Burma is counterbalanced by the fact that income-tax is not levied in Upper Burma, and women in Lower Burma who pay income-tax will be entitled to the vote. The Local Government considers it impracticable at present to give a vote to married women above a certain age. It would almost double the size of an already large electorate, and the absence of birth and marriage certificates and the existence in some circles of polygamy would introduce additional complications.

17. The adoption of *thathameda* as a qualification in Upper Burma and of capitation-tax in Lower Burma will lead to larger electorates in Lower Burma than in Upper Burma, as all male adults pay capitation-tax in Lower Burma while only heads of households pay *thathameda* in Upper Burma. This differentiation will however, tend to disappear, if District Councils exercise the power vested in them by section 26 of the Rural Self-Government Act to impose a tax on circumstances and property (which tax will take the place of *thathameda* and capitation-tax alike), and if payment of this tax is accepted (as in the case of the franchise for rural bodies) as an alternative qualification for a vote for the Legislative Council.

18. As regards the position of persons exempted in virtue of their office from payment of taxes, this exemption applies mainly to *thathameda* and capitation-tax, and the difficulty

could be met, as in the Order under the Rural Self-Government Act, by prescribing that persons who are assessed and exempted from payment otherwise than on the ground of poverty should be entitled to vote. In preparing *thathameda* and capitation-tax rolls all persons who are *prima facie* liable to pay the tax are entered in the rolls, and there should be no difficulty about entering in the electoral rolls of the Legislative Council the names of officials who would pay these taxes but for the fact that they are Government servants.

19. In urban areas it is proposed that the qualification for votes for the Legislative Council shall be the possession of the Municipal franchise. The qualifications for a voter at a Municipal election are set out in Rule 3 of the Municipal Election Rules, a copy of which is attached to this note (Annexure C). From this it will be seen that the qualifications for a voter at a Municipal election are that he be a British subject or subject of any State in India ; that he be over 21 years of age ; that he possess immoveable property within municipal limits of a certain minimum value, or that he occupy land or house property within municipal limits of a certain monthly rental value ; or that he pay municipal rates and taxes (including capitation-tax and land-rate in lieu of capitation-tax) above a certain minimum. The minima vary in different Municipalities. Thus the value of immoveable property qualifying for a vote is Rs. 100 in Pegu and Rs. 1,000 in Insein. The minimum payable as monthly rental is in some towns Rs. 4 and in others Rs. 5. The minimum payable as yearly rates and taxes is in some Municipalities Rs. 3 and in others Rs. 4. The variations correspond to some extent, no doubt, with variations in the general level of wealth in different towns. If it is considered undesirable to perpetuate these variations for the franchise for the Legislative Council, there would be no difficulty about basing the franchise in urban areas upon a uniform minimum in the value of immoveable property possessed, in the rental value of land or house property occupied and in the municipal rates and taxes paid. This would necessitate the drawing up of separate electoral rolls for the Legislative Council. If it is decided that it is necessary to have uniform minima it is suggested that they should be as follows :—

	Rs.
(a) Minimum value of immoveable property either in a Municipality or a notified area or a Cantonment.	200
(b) Minimum amount paid as monthly rental either in a Municipality or a notified area or a Cantonment.	5
(c) Minimum paid as a yearly rates and taxes (including capitation-tax and land-rate in lieu of capitation-tax) either in a Municipality or a notified area or a Cantonment.	4
(d) The minimum rental value of residences of employees living rent free in employers' houses either in a Municipality or a notified area or a Cantonment.	5

Possession of any qualifications prescribed for an elector in a rural constituency should qualify for a vote in an urban constituency, provided that the elector resides in an urban constituency, and both in rural and in urban areas all retired, pensioned or discharged officers, non-commissioned officers or soldiers of His Majesty's regular forces should be qualified as electors.

20. Europeans and Anglo-Indians, if the proposal for separate electorates for these communities is adopted, should not be qualified to vote for general constituencies. No person should be allowed to vote in more than one general constituency, and no person should have more than one vote, or if the constituency is a two member constituency more than two votes, in any constituency. It should be obligatory on the officer responsible for the preparation of an electoral roll to enter in that roll the names of all persons who are found to be qualified as electors by virtue of payment of income-tax, *thathameda*, capitation-tax or municipal taxes ; persons who do not possess these qualifications, but are otherwise qualified, e.g., by virtue of payment of land revenue or possession of immoveable property in a Municipality should not be entered on the roll unless they apply. Only thus can unnecessary duplication of labour be avoided.

21. Finally, if the franchise proposed by the Local Government or some other franchise giving a large electorate is adopted, it is very necessary that the method of election should be as simple as possible, that there should be no voting-cards, but election should be by each candidate as he enters the polling-booth having his name ticked off on the electoral roll, and being given one or two (as the case may be) balls or other tokens which he will then drop into the box or boxes of the candidate or candidates for whom he proposes to vote ; or by some similar method by which the signing of names and making of crosses is dispensed with.

(d) Qualifications of Candidates.

22. The Local Government considers that any person whose name is entered on the electoral roll of any general constituency in the Province should be eligible for election for any general constituency provided only that he is 25 years of age or over, and not subject to any disqualifications similar to those which have been laid down for candidates for election to a Circle Board (*cf.* paragraph 2 of Order 1 Annexure B). There should be no sex disqualification, and, on the whole, the Local Government is not now in favour of insisting on a residential qualification. While it is no doubt desirable that local interests should

be represented, it is still more desirable that the future Legislative Council should contain the very ablest members of the non-official public, who are for the most part only to be found in the larger towns of the Province. If constituencies prefer to be represented by a local man rather than by a politician from Rangoon or elsewhere, they can always give effect to their preference.

23. For the special constituencies it would be necessary that a candidate should be qualified to vote in the special constituency for which he stands for election. In other respects the qualifications set out above would apply.

(e) *Division of subjects into reserved and transferred.*

24. The Local Government proposes that all those subjects shown in Schedule II to the Devolution Rules, which are transferred subjects in the Provinces of Bengal, Madras, the United Provinces, the Punjab, Bihar and Orissa and the Central Provinces, should be transferred subjects in Burma. The division of subjects was decided on after very careful consideration by the Secretary of State and the Government of India, who accepted in the main the Southborough Committee's recommendations. The decision would appear to have been based in each case on factors which are common to Burma and to India, and it hardly seems necessary that the whole question should be gone into *de novo*. The only subject over which there is likely to be any controversy is that of Forests, which is a Transferred Subject in Bombay, but not in any other Province. The proposal to make Forests a Transferred Subject in Bombay was strongly opposed by the Inspector-General of Forests, who feared that inexperienced management might result in the destruction of valuable commercial assets. The Government of India accepted the recommendation that it should be a Transferred Subject in Bombay, because the Bombay Government had recommended it. No other Government recommended that Forests should be a Transferred Subject, and the Southborough Committee made no recommendation that it should be transferred elsewhere than in Bombay.

25. The Local Government believes that the agitation in Burma to have Forests made a Transferred Subject is due to an idea that hitherto Burmans have not had equal opportunities of developing the large forests of the Province. The necessity for very large capital for the successful working of large forests, which capital is not forthcoming in Burma, is ignored. Moreover, the large Companies, which are working these forests, work them on leases which will not expire for another three or four years, and which contain a definite promise of renewal for fifteen years, and it would not be possible for any Government to oust them except by a wholesale breach of contract. On the other hand the net revenue accruing from forests in Burma is more than double the net revenue derived from this source in any other Province in India. The Forests in Burma are comparatively undeveloped and they represent an estate of untold potential value to future generations of Burmans, if scientifically managed. Scientific conservation of an asset of this nature in favour of future generations is naturally not popular, and it would not be wise to place responsibility for it in the hands of a Minister who will be responsible to, and naturally largely influenced by the wishes of, an electorate which is as yet completely untrained, and incapable of appreciating the importance of a policy of scientific and far-sighted development. Further, the classification of Forests, the administrative work in connection with which is very heavy, as a transferred subject would result in an unequal distribution of work between Ministers and Members of Council, and would throw on the former a heavier burden than two Ministers would be capable of bearing in the initial stages of the transition to parliamentary government.

(f) *Qualifications of Candidates for election to the General Constituencies of the Indian Legislatures.*

26. For the Council of State there are two Constituencies in Burma, the General Constituency and the European Commerce Constituency, each electing one member. For the Legislative Assembly there are also two Constituencies, the Non-European and the European, of which the former elects three members and the latter elects one. The franchise for these Constituencies is laid down in the Second Schedule to the Council of State Electoral Rules and the Legislative Assembly Electoral Rules, extracts from which are attached to this note (Annexure D).

27. The number of persons who have been registered in the Electoral Rolls for the General Constituency of the Council of State is 2,394. The Local Government is inclined to think that in a country of small landholders like Burma the land-revenue qualification is rather too high and that it might suitably be reduced from Rs. 1,000 *per annum* to Rs. 500 *per annum*, and that the minimum income-tax payment, which qualifies for a vote, should be on an income of not less than Rs. 3,000, instead of Rs. 5000.

28. As regards the Legislative Assembly franchise, on the assumption that it is decided that election to the Provincial Legislative Council should be direct and not indirect, it is not desirable to restrict the franchise for the Burma Non-European Constituency to elected members of Municipal Committees and Circle Boards, and in any case the existing

qualifications, even when Circle Boards have come into being, would give far too small an electorate. The franchise should be somewhat narrower than that adopted for the Provincial Legislative Council and somewhat broader than that adopted for the Council of State.

29. The Local Government would tentatively suggest the following as the qualifications for a vote for this Constituency of the Legislative Assembly:—

- (1) liability to pay land-revenue not less than Rs. 50 *per annum*;
- (2) assessment in previous year to income-tax;
- (3) ownership of immoveable property in a Municipal or notified area, or in a Cantonment, exceeding Rs. 500 in value;
- (4) occupancy of premises in a Municipal or notified area, or in a Cantonment, of which the monthly rental is not less than Rs. 20.
- (5) assessment in the previous year to an amount of not less than Rs. 20 in respect of any Municipal or Cantonment rates or taxes;
- (6) being a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces;
- (7) being qualified as an elector for the Burma Constituency of the Council of State.

If this recommendation is adopted, the same qualifications should be prescribed for electors for the Burma (European) constituency, for which assessment to income-tax is at present the sole qualification.

30. It may be objected that the difficulties in the way of adopting land-revenue assessment as the basis for the franchise for the Burma Legislative Council apply equally in the case of the franchise for, the Legislative Assembly. The objection is valid as far as it goes, but the higher the figure taken, the trouble involved in the preparation of the electoral roll is *pro tanto* reduced, and indeed the Committee may prefer to raise this qualification to Rs. 100. Again, the interest likely to be taken in the election of a representative to the Legislative Assembly is likely to be so small that the inequalities between district and district, between landlord and tenant, between agriculturist and trader, etc., will not be felt as a grievance. It is certainly not a satisfactory franchise, but it is likely to be more satisfactory than having to poll an electorate constituted on what will be practically household suffrage, not only for Circle Boards and for the Burma Legislative Council, but also, a third-time, for a Legislative Assembly sitting at far-off Delhi and Simla, in which Burma is represented by but three out of a hundred elected members.

31. The Local Government does not consider it necessary to fix higher qualifications for candidates for election except in the matter of age, as already provided in the main body of the rules, as it only introduces an unnecessary complication, and the electoral rules are already so complex as to be a stumbling block in the way of the spread of an understanding of the principles of the responsible Government.

By order,

F. LEWISOHN,

Chief Secretary to the Government of Burma.

MAYMYO, 13th October 1921.

ANNEXURE A.

From Mr. F. LEWISOHN, Chief Secretary to the Government of Burma, to the Secretary to the Government of India, Legislative Department, Simla,— General Department—No. 997—3L-4, dated the 23rd August 1921.

Subject:—*Qualifications of electors for Constituencies in Burma of the Council of State and the Legislative Assembly.*

In continuation of my telegram No. 513, dated the 16th August, I am directed to address the Government of India on the subject of the qualifications of electors for Constituencies in Burma of the Council of State and the Legislative Assembly. These qualifications are prescribed in Part IX of Schedule II of the Council of State and Legislative Assembly Rules.

2. No difficulty has arisen or dissatisfaction been expressed in connection with the qualifications prescribed for the European Commerce Constituency of the Council of State or the Burma (European) Constituency of the Legislative Assembly.

3. Exception has however been taken to the qualifications laid down for the General Constituency of the Council of State on the ground that they are too high and produce a Constituency which is too small and in which the European element predominates. The number of electors on the electoral roll of this Constituency was 2,394, of whom approximately 933 were Europeans or Anglo Indians. A reference is invited to my telegram No. 100, dated the 10th February 1921, to the Reforms Office on this point; a copy of it is enclosed for reference.

4. The situation is even more unsatisfactory with regard to the electoral roll for the Burma (Non-European) Constituency of the Legislative Assembly. The qualifications are being an elected member of a Municipal Committee or being a member of a Circle Board. Circle Boards have not yet been instituted in Burma. They may come into being about a year hence, when it is estimated that approximately between 3,000 and 4,000 persons will become qualified under this head. The electoral roll which was prepared in October 1920, contained only 98 names. The revised electoral roll, which was prepared with reference to the Government of India Legislative Department Notification No. 56, dated the 16th May 1921, contained only 211 names. The roll would have been larger had it not been that in many Municipalities elections are still in progress, yet even so the total number of elected members of Municipal Committees in this Province will not exceed for the present 546. While the privilege of a vote is thus closely restricted in the case of a non-European, any European who has been assessed to income-tax in the previous year is entitled to vote for the Burma (European) Constituency.

5. At the time when qualifications for the Burma (Non-European) Constituency were proposed by this Government it was contemplated that election to the Reformed provincial Legislative Council would be indirect and that the electorate would be composed of members of Municipal Committees and Circle Boards. The position has now completely changed. The Local Government has expressed its willingness to have a direct franchise based mainly on capitation-tax and payment of *thathameda*. A reference is invited to my telegram No. 64C., dated the 30th April 1921, to the Government of India in the Home Department, an extract from which is enclosed for convenience of reference. The franchise, which will eventually be adopted for the Provincial Legislative Council, will no doubt largely depend on the recommendations to be made by the Whyte Committee; but it is hardly open to doubt that the franchise will be direct and will be far larger than was originally contemplated. That being so, it will be impossible to maintain the every narrow franchise at present prescribed for the Council of State and the Legislative Assembly. The question as to the qualifications which should entitle a person to vote for the latter bodies must depend very largely on the qualifications which will be adopted in the case of the vote for the local Legislative Council. That being the case, I am to suggest that it would not be adding unduly to the labours of the Local Committee which the Secretary of State has decided to appoint to hold an open enquiry in Burma on the question of franchises in respect of the Local Legislative Council, if that enquiry were also to extend to the franchises for the Indian Legislatures. Such a step is politically very desirable. The Young Burma Party has boycotted the elections hitherto, partly on the ground of the unsatisfactory nature of these franchises. A Committee to advise as to the lines on which they should be revised is obviously indicated. And such a Committee would carry much more weight, if it were the same Committee as that to be appointed by the Secretary of State as the result of the notification of Burma under section 52A of the Government of India Act.

ANNEXURE B.

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Schedule II.

FIRST ORDERS.

[Section 78, sub-section (4).]

ORDER 1.

Prescribing the qualifications of electors and the qualifications for being elected members of Circle Boards.

1. (1) All persons who (a) reside within a village-tract comprised within any Circle, for which a Circle Board has been established under section 5, and have paid land revenue, capitation-tax, *thathameda*, a tax according to circumstances and property levied under section 26, or income-tax, or having been assessed to capitation-tax or *thathameda* are exempted from payment otherwise than on the ground of poverty, during the financial year preceding that in which the electoral roll is prepared, or (b) although not residing within such village-tract, own property therein and have paid income-tax on the income accruing from such property, or have been assessed to land revenue on not less than 6 acres of land situated in such village-tract for a continuous period of not less than six years preceding the financial year in which the electoral roll is prepared, shall be eligible to have their names entered in the electoral roll of the group of village-tracts to which the said village-tract belongs:

Provided that no such person shall be so eligible if he—

- (a) is not a British subject ;
- (b) has been adjudged by a competent court to be of unsound mind ; or
- (c) is under 18 years of age.

(2) If any person is convicted of an offence under Chapter IXA of the Indian Penal Code punishable with imprisonment for a term exceeding six months, or is, after an inquiry held under any rules for the time being in force regarding elections to a District Council or Circle Board constituted under the Act, reported as guilty of a corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period.

Provided that the Commissioner may direct that the name of any person to whom this sub-clause applies shall be registered on the electoral roll.

2. (1) Subject to the exceptions set out below, any person shall be eligible for election as a member of the Circle Board to represent a group of village-tracts comprised within the Circle, for which such Board has been constituted, if his name has been entered on the electoral roll of the said group and has not been removed therefrom.

(2) A person shall not be eligible for election as a member of a Circle Board if such person—

- (a) is not a British subject ; or
- (b) having been a legal practitioner, has been dismissed, or is under suspension from practising as such by order of any competent court ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 25 years of age ; or
- (e) is an undischarged insolvent ; or
- (f) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ;

or

- (g) is an officer or servant of a District Council, Circle Board or School Board.

(3) A person, against whom a conviction by a criminal court, involving a sentence of transportation or imprisonment for a period of more than six months, is subsisting, shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(4) If any person is convicted of an offence under Chapter IXA of the Indian Penal Code, punishable with imprisonment for a term exceeding six months, or is, after an inquiry held under any rules for the time being in force regarding elections to a District Council or Circle Board, constituted under the Act, reported as guilty of a corrupt practice, such person shall not be eligible for election for three years from the date of such conviction or of the report as the case may be :

Provided that any disqualification mentioned in sub-clause (2) (b) or sub-clause (4) may be cancelled by the Local Government.

ANNEXURE C.

Municipal Election Rules.

* * * * *

3 The qualifications for a voter at a municipal election shall be that he be a British subject or a subject of any state in India, that he be over twenty-one years of age, that he possess immoveable property within municipal limits of a value of not less than, or that he occupy land or house property within municipal limits of a monthly rental value of not less than, or pay municipal rates and taxes (including capitation-tax and land-rate in lieu of capitation-tax) to an amount not less than the amounts shown respectively in Appendix B attached to these rules.

An employee living alone rent free in a house belonging to, or rented by his employer, shall be qualified to vote, provided that the monthly rental value of the house be not less than the amount shown in Appendix B.

Persons living together in a chummary, or occupying an office, who have occupied the same for not less than three months, shall be qualified to vote, provided that the rent paid by themselves or their employers, or the rental value, if equally divided between them, be sufficient to qualify each such person under the first part of this rule.

Persons boarding and lodging in private houses, hotels, or clubs, shall be qualified to vote, provided that they have resided there not less than three months, and that one-fifth of the charge made for boarding and lodging in respect of each such person is sufficient to qualify under the first part of this rule.

Provisos.—No persons will be allowed to vote whose name is not on the voters' list at the time of the election. No person will be allowed to vote at any election unless his rates and taxes have been paid to the end of the quarter previous to the election.

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ANNEXURE D.

Extract from Schedule II (Qualifications of electors) to the Council of State Electoral Rules.

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PART IX.—BURMA.

1. A person shall be qualified as an elector for the Burma constituency who has a place of residence in the province of Burma and who— The general Constituency

- (a) is liable to pay land-revenue of not less than Rs. 1,000 per annum ; or
- (b) was, in the financial year preceding the date on which the electoral roll for the time being under preparation is first published under these rules, assessed to income-tax on an income of not less than Rs. 5,000 ; or
- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Burma Legislative Council ; or
- (d) is or has been the president or vice-president of the Rangoon Municipal Committee or is or has been the president or is the vice-president of any other municipal committee established under the Burma Municipal Act, 1898, or of a district council ; or
- (e) is or has been a member of the Senate or a Fellow or an Honorary Fellow of any University constituted by law in British India ; or
- (f) is the non-official chairman or vice-chairman of a district central bank which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912 ; or
- (g) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya.

2. A person shall be qualified as an elector for the Burma Chamber of Commerce constituency who has a place of residence in Burma and is a Chamber Member of that Chamber or a person entitled to exercise the rights and privileges of Chamber membership on behalf of and in the name of any firm, company, or other corporation. The European Commerce Constituency

3. For the purposes of this Part, a person shall be deemed to have a place of residence in the province of Burma if he— Place of residence.

- (a) ordinarily lives in the province, or
- (b) has his family dwelling house in the province and occasionally occupies it, or
- (c) maintains in the province a dwelling house ready for occupation in charge of servants and occasionally occupies it.

* * * * *

*Extract from Schedule II (Qualifications of electors) to the Legislative Assembly
Electoral Rules.*

* * * * *

PART IX.—BURMA.

Definitions.

1. For the purposes of this Part—

(a) “a European” means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the United Kingdom or in any British possession or in any State in India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

(b) “previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

The Burma
(non-
European)
Constituency

2. A person shall be qualified as an elector for the Burma (non-European) constituency who is not a European and who has a place of residence in Burma and is—

(a) an elected member of the Rangoon Municipal Committee or of any municipal or town committee constituted under the Burma Municipal Act, 1898, or

(b) a member of any Circle Board in Burma.

The Burma
(European)
Constituency

3. A person shall be qualified as an elector for the Burma (European) constituency who is a European resident in Burma and was in the previous year assessed to income-tax.

2—Note of the Local Government's views on the subjects of the Division between Central and Provincial Subjects and of excluded areas.

A.—Division between Central and Provincial subjects.

1. In presenting its views to the Committee on this subject the Local Government presumes that the Committee will not wish it to be dealt with in the light of the future separation of Burma from India. Although the Local Government considers that such separation is inevitable, the discussion of the subject would be premature at the present time, because the demand for separation should come from the people of the Province through their elected representatives, and a change of this nature ought, to use the words used in paragraph 246 of the Montagu-Chelmsford Report on the analogous question of "Provincial States," "to follow and neither to precede nor accompany constitutional reform." Moreover, the question is one which requires examination, in its financial aspects, by impartial financial experts, unconnected with either Burma or India. Finally, there is a danger lest the raising of the question of separation before this Committee would lead to delay in the putting into effect of such recommendations as the Committee may make on the other points which have been referred to it for advice, and so further delay the introduction of constitutional reform into this Province. Nor does the Local Government consider that it is either possible or expedient to seek to find in the division of subjects between Central and Provincial any half-way house to separation.

2. The proposals which this Government has to make for modifying the division which has already been effected by Rule 3 and Schedule I to the Devolution Rules leave the question of future separation entirely out of account, and are based for the most part on the facts that Burma is in many respects entirely isolated from India and self-contained, and that the difference between Burma and the other Indian Provinces in this respect was not considered by the Southborough Committee.

3. *Item 4 in Part I of Schedule I—Political Charges.*—This item was entered in the schedule on the suggestion of the Government of India. In paragraph 41 of their despatch No. 3 of 1919 to the Secretary of State the Government of India remarked:—

There are various charges of a political nature, for example, political pensions, which do not affect our relations with Indian States, and all of which are of an all-India nature. It seems advisable that such charges should be definitely included as an all-India subject.

The Local Government does not desire to challenge that argument, but it is desirable that the scope of this item should be more clearly explained. At the present time, in Burma this head is apparently taken to include all charges on account of the salaries of so-called Political Agents employed in the Shan States, the Chin Hills and elsewhere. These Political Agents, so-called, correspond with Deputy Commissioners and Subdivisional Officers in regular districts whose primary duty is to administer the areas committed to their charge and who only exercise political functions properly so-called on rare occasions. The Local Government suggests that it should be clearly laid down that this item, "Political Charges," does not include the administration of areas the cost of the administration of which has hitherto been debited to the Budget Head "Political." The point is of considerable importance because at the present time under Audit Rules certain heads of expenditure in connection with the Shan States, the Chin Hills and some Frontier Districts have been classified as "Political." The Local Government desires that it should be clearly laid down that the internal administration of the Shan States, of the Chin Hills and of all Frontier Districts is a Provincial subject. There has been a tendency in the past to confuse the administration of the Shan States and the Chin Hills with the administration of the Native States in India with which, with the exception of the small and remote states of Karenni, which are for convenience administered with the Southern Shan States, it has no connection either in theory or in practice. The fact that the Shan States and the districts of Bhamo, Myitkyina and Putao border on China does not make the internal administration of these areas a political matter, and the Chin Hills do not even border on China, but adjoin territory which is British territory, although it has hitherto been unadministered. The problems arising out of the internal administration of these areas are essentially Provincial and not Central. If they are declared to be "backward tracts," as proposed in the latter part of this note, they will presumably fall within the category of "excluded areas," which is a Provincial subject, *vide* item 36 in Part II of the Schedule.

4. *Item 5 (a) in Part I of Schedule I. Railways and extra-municipal tramways, in so far as they are not classified as Provincial subjects under entry 6 (d) of Part II of the Schedule.*—The position of Burma in the matter of railways is different from that of any Indian Province because the railway system of Burma is entirely self-contained. While it is obviously reasonable that the administration of railway systems which run through a number of Provinces or connect up with other systems which so run should be a

Central subject, there is no inherent reason why the railways of Burma should be so treated. At the same time the Local Government recognizes that an adjustment between the Central and Provincial Government in respect of the existing lines in Burma worked by the Burma Railways Company would be a matter of great difficulty which would require a lengthy investigation. For the present, the Local Government is content to urge that all lines which are being constructed or which may hereafter be constructed out of Provincial revenues, as for example those lines which are being constructed from the rice control profits, should be administered by the Provincial Government. This object could be achieved by adding the following as clause (e) to Item 6 of Part II :—

“(e) Railways in Burma constructed from Provincial revenues, subject to legislation by the Indian legislature”

and by making the necessary alteration in Item 5 (a) of Part I.

5. *Item 9 in Schedule I of Part I. Ports declared to be major ports by rule made by the Governor-General in Council.*—In accordance with the recommendation made by the Government of India in paragraph 33 of their despatch No. 3 of 1919 Rangoon has been declared to be a major port. It is reasonable that ports which serve as the gateways to all the Provinces of India, such as the ports of Calcutta, Bombay, Karachi and Madras, should be treated as Central subjects because all the Provinces in India are directly interested in the administration of these ports. But Rangoon is not the gateway to any province except Burma and no province except Burma is directly interested in its administration. The matter is not one which need be dealt with by an amendment of the Schedule. But the Local Government would be glad if the Committee could see their way to include in their Report a recommendation that the port of Rangoon should not be declared to be a major port under this item. The Local Government is in a far better position than the Central Government to appreciate the problems which the administration of the port of Rangoon raises, and it is not in accordance with the principles of Provincial autonomy that the administration of a port the development of which is a matter of importance primarily to Burma only should be dealt with by the Central Government at Delhi and Simla where the Provinces of India are strongly represented, and the representation of Burma is disproportionately small.

6. *Item 10 in Schedule I of Part I. Posts, Telegraphs and Telephones, including Wireless Installations.*—The Local Government considers that Telephones should be a Provincial subject. There is no telephonic connection between Burma and India, and such a connection is not likely to be made in the near future. The telephone system of Burma is entirely a Provincial concern and should be made a Provincial subject.

7. *Item 24 in Schedule I of Part I. Geological Survey.*—The Geological Survey of Burma is a matter which is most intimately connected with the development of the mineral resources of the Province. It is much more intimately connected with Item 24 of Part II than with Item 25 of Part I of the Schedule. The speed at which the mineral resources of the Province can be developed depends very largely on the progress made in the Geological Survey of the Province. That is an object on which Provincial revenues should properly be expended, and the extent to which the Geological Survey should be intensified and the expenditure which should be devoted to it are matters for the Provincial Government rather than for the Central Government to decide. It would be obviously inconvenient if the Government of India were made to appear to be retarding the development of the mineral resources of the Province, because central revenues could not provide the funds which that development might require from time to time.

8. *Item 35 in Schedule I of Part I. Survey of India.*—Similar remarks apply to this item. The development of the Province must depend to no inconsiderable degree on the extent to which trustworthy maps can be made of hitherto undeveloped areas. The development of industries, such as the rubber or tin mining industry, is inevitably hampered by the absence of adequate maps. It should be within the competence of the Local Government to decide on the extent to which the topographical survey of the Province should be accelerated, and the Local Government's discretion should not be fettered by the financial needs of the Central Government.

9. *Item 36 in Schedule I of Part I. Archaeology.*—The position of Burma in this matter again is different from that of the Indian Provinces. Practically in all the Provinces of India the vast majority of the inhabitants belong either to the Hindu or to the Mohomedan faith. The Mohomedan in the Madras Presidency is almost as much interested in the preservation of a historical Mahomedan shrine in Northern India as is the Mahomedan in the Punjab. Moreover, the United Provinces are interested equally with the Punjab in discoveries relating to the reign of Akbar the Great. In Burma, archæology, on its religious side, is wholly Buddhist. On the historical side it is entirely connected with the history of Burmese dynasties. The subject is one which lends itself in Burma to Provincial administration quite as much as religious or charitable endowments or any other of the fifty odd subjects which have specifically been declared to be Provincial. Although the Burmese people at large have hitherto shewn little interest in the archæology of their country, it is likely that with the recent revival of national feeling, and with the introduction of repre-

sentative Government, there might be one day a wave of enthusiasm for the conservation of historical and religious monuments in Burma, which should be allowed full expression, and should not be hampered by the subject having been declared a Central one.

10. The Local Government has refrained from making any recommendations regarding Item 19 (*control of production, supply and distribution*) because these subjects are only central to the extent to which they may be declared such by rule made by the Governor-General in Council or under legislation by the Indian legislature. The Local Government feels impelled by the difficulties which have recently arisen in regard to the control of the export of rice to make the suggestion that just as the power of declaring an industry a Central one under Item 20 of Part I is subject to previous consultation with the Local Government or Governments concerned, it should be laid down that the power conferred by Item 19 should only be exercised in the case of Burma after previous consultation with the Burma Government and with due regard to the predominant interest of the people of the Province in articles which are produced in Burma.

11. One objection which might be urged against making subjects like Geological Survey, Topographical Survey of Archaeology Provincial subjects is that it would be difficult, if not impossible, for the Local Government to employ its own expert staff. The Local Government, however, wishes to make it clear that it does not propose that Burma should employ a specially recruited staff, but proposes to continue to employ officers belonging to all-India services, just as it employs for the development of its forests officers belonging to the Imperial Forest Service. But it considers that the strength to be employed in Burma should be a matter to be regulated by the Provincial Government, and that the objects on which they should be employed should similarly be defined by the Provincial Government, subject to technical advice by an expert Departmental Head in India.

12. It is obvious that if the proposals made in this note are accepted, an additional burden will be laid upon Provincial revenues. It is a *sine qua non* of any alteration in the present division of subjects, that any additional expenditure which may be thrown upon Provincial revenues should be met by a corresponding adjustment in the contribution made by Burma to the Governor-General in Council under Rule 18 of the Devolution Rules.

B.—Excluded Areas.

13. The Local Government has proposed electorates for the whole of the Province with the exception of the Shan States and the following Districts:—

Arakan Hills, Bhamo, Chin Hills, Myitkyina, Putao, Salween and Upper Chindwin.

It remains to be considered to what extent these areas should be dealt with under section 52A, sub-section (2) of the Government of India Act. The Government of India have already proposed to deal under this section with those Shan States which are to form part of the future Federation of the Shan States.

14. As regards the exclusion of other areas, the Local Government proposes to be guided by the policy set out in the Government of India's despatch No. 7 of 1919 to His Majesty's Secretary of State on the subject of backward tracts. All backward tracts strictly so-called must be totally excluded, but any areas which, while on the whole backward, contain towns enjoying local self-governing institutions or which it is not desirable to exclude in the matter of transferred subjects from the jurisdiction of the future Ministers should not be excluded at all, if it can be avoided.

15. The areas which the Local Government considers should be totally excluded are as follows: Firstly, in addition to the Shan States which are to form the future Federated Shan States, the other Shan States in the Sagaing and Mandalay Divisions which have been declared to the Shan States by notification under section 8, sub-section (3) of the Upper Burma Laws Act, 1886 (now repealed), and under section 10, sub-section (3) of the Burma Laws Act, 1898, should be excluded. The administration of these areas is in the hands of Shan Chiefs appointed by the Local Government, and the law in force is largely the customary law of the area. Secondly, all areas to which the Kachin Hill Tribes Regulation, 1895, the Chin Hills Regulation, 1896, and the Arakan Hill District Laws Regulation, 1916, apply should be excluded. These areas are inhabited by tribes which are comparatively uncivilised, have little education, and would be quite unfit to exercise the vote.

Finally, the Putao District should be excluded for the same reasons and because practically the whole of it is administered either as a Shan country or as a Kachin Hill Tract.

16. That leaves the following areas:—

- (1) the Bhamo District excluding the Kachin Hill Tracts thereof;
- (2) the Myitkyina District excluding the Hill Tracts thereof;
- (3) the Upper Chindwin District, excluding the Somra-Tract (to which the Chin Hills Regulation applies) and the Shan States of Thaungdut and Singkaling Hkamti; and
- (4) the Salween District.

For these areas the Local Government has considered whether some form of partial exclusion should be proposed similar to that which has been applied to the Chota Nagpur Division of Bihar and Orissa, but has come to the conclusion that on the whole it is better not to exclude these areas at all, but provide representation for them by nomination, if necessary, on the Legislative Council.

17. As regards the areas which are to be excluded, the Local Government would adopt the same exceptions and modifications as have been adopted for the Angul District of Bihar and Orissa as laid down in Government of India Reforms Office Notification No. 4-G., dated the 3rd January 1921, under which the Government of India Act in its application to this District is subject to the following exceptions and modifications:—

- (1) The provisions of the Government of India Act which confer powers on the Indian legislature and on the local legislature of Bihar and Orissa to make laws, respectively, for British India and for the Province of Bihar and Orissa shall not apply to this territory.
- (2) The provisions of the said Act which require proposals for expenditure by the Governor-General in Council and by the Local Government of Bihar and Orissa, respectively, shall not apply to proposals for expenditure in this territory.
- (3) In lieu of the provisions of the said Act which enable rules to be made for prohibiting or regulating in either chamber of the Indian legislature the asking of questions on, and the discussion of, any subject specified in the rules, there shall be substituted a provision prohibiting the asking of questions on, and the discussion of, any subject relating to this territory; and the provisions of the said Act which enable rules to be made for prohibiting or regulating in local Legislative Councils the asking of questions on, and the discussion of, any subject specified in the rules shall be construed as if they prohibited the asking of questions on, and the discussion of, any subject relating to this territory in the Legislative Council of the Governor of Bihar and Orissa, save with the sanction of the Governor.
- (4) Section 46 (1) of the said Act shall be construed, in its application to this territory, as if the words "in relation to reserved subjects" and the words "and in relation to transferred subjects (save as otherwise provided by this Act) by the Governor acting with Ministers appointed under this Act" were omitted.

18. As applied to the future Shan States Federation, there should be the following further modification:—

"In lieu of the provisions of the Government of India Act, which enable rules to be made for the allocation of revenues or other monies of the Local Government, there shall be substituted provisions to the effect that the revenues or other monies accruing from the Shan States, in so far as they are now by the Devolution Rules declared to be allocated to the Government of Burma as sources of Provincial revenues, shall be allocated to the Federation and to the Chiefs of the States in such manner as the Local Government may direct, provided that the Federation shall pay to the Local Government 5 *per cent.* of all monies received by it or 20 *per cent.* of the mineral royalties collected by it, whichever is greater, such contribution to be in lieu of tribute heretofore paid by the individual states."

19. This exception, it may be noted, embodies the settlement between Burma proper and the Shan States to be included in the Federation which has been accepted by the Shan Chiefs concerned, who have hitherto individually paid tribute to the Government of India.

By order,

F. LEWISOHN,

The 25th October 1921.

Chief Secretary to the Government of Burma.

3—Note of the Local Government's Views on the Suggestion that Rangoon, Insein and Syriam should be combined into one Constituency, and that Election for this Constituency should be by the System of Proportional Representation and the single Transferable Vote.

In this Government's original proposals for the constitution of electorates, Rangoon, Insein and Syriam were formed into one constituency.

2. At that time the Local Government contemplated that representation of rural areas should be restricted to residents of such areas, and it was therefore necessary to provide for a large number of urban areas in order to secure adequate representation of urban interests generally. Accordingly 12 urban groups were formed. Of these groups only Rangoon, Insein and Syriam formed a group of towns reasonably close to one another. In other cases towns were grouped together which were 50 to 100 miles distant from one another, and there was no homogeneity whatsoever, except for the fact that these towns were towns. In view of the criticism which this scheme received and the suspicions which it aroused, the Local Government decided that on the whole it was better to abandon the residential qualification for candidates in rural areas, which would admit of residents in towns securing election for any territorial constituency. In that case it did not seem necessary to retain the grouping of urban areas, and it was considered preferable only to give representation to those towns which by reason of their size could legitimately claim to have not less than one representative for themselves. If it were decided now to group Insein and Syriam with Rangoon, it would undoubtedly give rise to claims by other towns which are no less important in their way, such for example as Mergui, Pakōkku, Pegu and Pyinmana. For although Insein and Syriam are adjacent to Rangoon, it cannot be said that their interests are in any way identical with those of Rangoon. They are towns with wholly separate interests. The interests of Syriam, for example, are entirely centred round the Burma Oil Company's Refinery, and so far as it may be desirable for the oil interest to secure representation on the Legislative Council, this will be sufficiently provided probably by the commercial constituencies.

3. The merits of proportional representation have been universally recognised in all but the most conservative countries, and are practically beyond dispute. But the success of the system presupposes the existence of factors which would be absent in the proposed constituency. There would be in Rangoon no party system or party programme. Each community would probably put up for election as many candidates as there were seats. And whether the electors voted for all the candidates of their own community, or, as is more probable, voted each for only one candidate of their own community, the chances of communities which are in a minority getting any members elected would be extremely small. In particular the system presupposes a literate electorate and one which understands the system on which it is required to vote. Now, unless a very high property qualification is adopted,—and in view of the fact that the Local Government has proposed what is practically a household suffrage for rural areas, it is precluded from supporting any very restricted franchise for urban areas—a large proportion of the voters in the proposed group of towns would be unable or barely able to read and write. The first requisite of the system of a single transferable vote is that the elector shall be able to mark against each of the candidates on the ballot paper the number which he assigns to him in his order of preference. It is also if not essential at least highly desirable, if the system is to be a success, that the voter should be in a position to decide for himself the order in which he places the candidates. A certain degree of homogeneity among the candidates is essential, as also a very considerable degree of homogeneity among the voters. If these conditions are not present the voters are unable to discriminate by their votes, their second, third or subsequent choices. There is also the difficulty of dealing with so polyglot a population as that of Rangoon, where seven languages are in common use by different sections of the population. It would be difficult enough to arrange for polyglot voting papers. It would be far more difficult to arrange for polyglot election literature, or for a polyglot literature necessary to educate the electorate as to the system under which they are to exercise their vote. And that such education is necessary for an understanding of the system is evident from the following extract from a pamphlet dealing with the success attained by proportional representation in the election of the City Council of Sacramento, the capital of California—

“ . . . it is safe to say that for the best results the city needed a good deal more education before the first election.

To take charge of this further education the writer went to Sacramento at the invitation of the Chamber of Commerce, for the month preceding the election.

Forty-six demonstration elections were conducted before organisations of all kinds, groups of employes, and school boys and girls.

All three local papers,—the *Star* and the *Union*, which had worked for proportional representation in the charter campaign, and the *Bee*, which had strongly opposed it—co-operated whole-heartedly in the educational campaign. All these papers printed explanatory articles and advertised the demonstrations. The *Union* ran a daily question-and-answer column. The *Bee* organised a big mock election—printed in the paper ballots similar to

the official ballots, placed ballot boxes for a day in twenty places throughout the city, and had the ballots counted in public in the City Hall Council Chamber, members of the election board and other prominent citizens assisting.

For several days before the election all three papers displayed brief instructions to voters on the first page and the leading motion picture houses showed slides containing similar instructions.

The official ballots, as well as the sample ballots sent by the city to all voters, contained explicit instructions for voting, and the precinct officials were instructed to answer questions and give instructions orally whenever they seemed to be needed.

As a result of all these preparations nearly everyone in Sacramento understands how to vote under proportional representation, and a good many know also what happens to ballots afterwards when they are counted."

The electorate of Sacramento,—a highly educated electorate speaking only one language,—underwent an intensive education for at least a month before the election, and even then it was not possible to say that everybody in the town understood how to vote under the system, or that more than a certain proportion understood how exactly the system worked. The idea of making similar arrangements to educate the polyglot and largely illiterate or semi-literate voters of Rangoon-Insein-Syriam is almost unthinkable.

4. In India the system has been introduced in two European constituencies of the Provincial Legislative Council and the Legislative Assembly and one Indian constituency of the Council of State, namely the Madras non-Mohamedan constituency. In regard to the last, it is interesting to note that the number of voters on the roll was only 2,169, and that the voters gave their votes by post, *i.e.*, that it was what may be called a very specially select constituency. To what extent the election resulted in the representation of minorities is not clear from the report which the Local Government has seen, but it is significant that the result of the election under proportional representation was exactly the same as the result would have been if the voters had had a single non-transferable vote. That is to say the candidates who received the largest number of votes on the first count were declared duly elected in the same order after the final transfer of the surplus votes.

5. The Local Government has no theoretical objection to experimenting with proportional representation, but it is convinced that the experiment would be doomed to failure if made in any general constituency with a large electorate in Burma. In so far as it would not be conducted on purely racial lines it would be a gift to the electoral manipulator, and if conducted, as undoubtedly it would be, on racial lines, in view of the low standard of political intelligence, the Babel of tongues and the low standard of literacy, the system would assuredly fail to secure anything resembling the object aimed at. The experiment of creating large masses of electors who have never exercised a vote, or even asked for one, is in itself sufficiently bold, without our endeavouring to introduce complications which are only suited to the most advanced communities, and which have only been tried in those communities for a very short time.

By order,

F. LEWISOHN,

RANGOON, 17th November 1921.

Chief Secretary to the Government of Burma.

APPENDIX V.

QUESTIONNAIRE ISSUED BY COMMITTEE ON THE SUBJECT OF FRANCHISE.

1. Leaving out of account question of practicability, do you consider it advisable that the qualifications of the electorate for the Legislative Council should be on the wide basis proposed by the Local Government (*i.e.*, down to and including the payment of capitation tax and *thathameda*)? If so, on what grounds would you justify this basis: if not, on what grounds do you object to it and what alternative would you on principle propose?

2. From the point of view of practicability, do you consider that there is any great advantage in having the same electoral roll for the Circle Boards under the Local Self-Government Act and for the Legislative Council? (The Local Government has explained that it would see no particular objection to the modification as to age of elector, etc. of its proposals, so as to admit of the electoral roll for Circle Boards being the same as for the Legislative Council).

3. On the basis of the Local Government's proposals (as so modified) do you see any difficulty—

(i) in drawing up the electoral rolls;

(ii) in conducting the elections

for the Legislative Council?

4. Do you prefer the payment of land revenue as the main qualification, of an elector rather than the payment of capitation tax or *thathameda*? If so, on what grounds?

5. If payment of land revenue is adopted as the main qualification, would you allow payment of any land revenue whatever to qualify, or would you limit the qualification to the payment of land revenue over a certain amount? If so, would you fix a uniform amount for the province or would you vary the amount by districts or any smaller territorial unit?

6. If payment of land revenue is fixed as a qualification, how would you provide for—

(a) tenants,

(b) non-agriculturists, especially shop-keepers and petty traders, with special reference to towns included in the rural electorate?

7. How would you meet the difficulty that the same person often cultivates in more than one *kwin*? Would you regard it as sufficient if only persons paying the requisite amount of revenue in one *kwin* were entered in the first instance in the electoral roll by the authority which compiles it, and if others were left to apply for entry of their names?

8. If you consider that a definite amount of land revenue should be fixed as the main qualification, how do you propose to ascertain the amount which should be fixed for the province generally (if uniform over the province) or for each district or other unit (if varying amounts be fixed)?

9. Do you see any other difficulty in the adoption of a land revenue qualification as the basis for the electoral roll? If so please state the difficulty and say whether in your opinion it can be overcome and how?

10. It has been suggested that the payment of capitation tax or *thathameda*, plus literacy should be fixed as the basis. Do you consider this advisable and practicable?

11. It has also been suggested that the main qualification should be ownership or occupancy of land of a certain area to be fixed either for the province as a whole or for each district. Do you consider the adoption of this suggestion advisable and practicable?

REPLIES TO THE QUESTIONNAIRE.

1. MR. W. E. LOWRY, I.C.S., OFFICIATING FINANCIAL COMMISSIONER, BURMA.

1. I object to land revenue as a basis because, unless combined with some other standard, it excludes the most intelligent classes, *viz.*, teachers, business men, artisans, etc.—this ignores the question of practicability entirely. Also for reasons given in answer 9. I prefer a wide electorate unless a very narrow one is given which represents only the “intelligentsia” of the country. (See answer to Question 8.)

2. I certainly think it will be convenient to have one electorate for both elections. So far as the Local Government wishes to raise the age limit from 18 to 21, I do not think the difference is necessary.

3. If the modification of the Local Government proposals (referred to in this question) is the amalgamation of the age for the two electorates, I see no greater physical difficulties in conducting Legislative Council elections than Circle Board elections. As regards educating the voters so as to know the difference between the various candidates it seems to be a difficult problem. But a land revenue qualification would not simplify the problem unless it very seriously narrowed the franchise.

4. I am not in favour of land revenue qualifications.

5. I do not consider payment of land revenue to be a suitable basis but, if I had to make the best of a bad job, I would point out that there is no minimum amount below which the cultivator is not assessed and a Revenue Surveyor who found a man cultivating half an acre of crop assessed at four annas would certainly assess him. I do not see why

say a Chinaman who puts down one-third acre of millet to feed his pigs should have a vote as a land revenue payer when the vote is denied to say a mill owner who pays rent for his mill site but not land revenue. Therefore to have no limit lets in as an agriculturist a man who has no real agricultural interest. If there is to be a limit at all it would have to vary from district to district and probably from township to township in certain districts like Shwebo, which contains heavily assessed irrigated paddy land in some townships and large areas fit only for fixed assessment in other townships. A five rupee limit in a bad season would disfranchise whole villages in Upper Burma.

6. If I were making the best of a bad job I should revise my electoral roll three times a year—otherwise it would be badly out of date; and I should cancel the proposal that where several tenants work a single holding their names should not be shown individually. I should abolish the fixed assessments in Upper Burma because we should want a staff to keep our tenant statistics up to date and I should then wait for the complaints of tenants who had been omitted from the roll.

I should have to deal with the non-agricultural class by adopting *thathameda* and capitation as the best basis because no other is possible in rural areas.

7. Unless you took a very high standard, the number of cultivators who would get a vote if we considered several *kwin*s but would not get a vote on their holding in any one *kwin* would not be very great. But it would be nearly as much trouble to go through the different assessment rolls in one *kwin* as to go through different rolls in different *kwin*s. In one *kwin* you may have several village charges or parts of charges—not to mention the different rolls for different seasons. It might also be pointed out that a man may pay a heavy land revenue in Upper Burma one year and pay nothing the next because his crop has failed.

8. The only object of taking land revenue in lieu of capitation and *thathameda* would be to disfranchise a part of the population. Therefore the standard of land revenue to be taken would depend on how large a proportion of the population you mean to disfranchise. Personally I see no mean between the widest possible franchise of persons intelligent enough to record a vote and a very narrow franchise confined to persons who might be supposed to be educated enough to be able to give intelligent reasons for preferring one candidate to another.

9. This questionnaire itself suggests a number of serious objections but they may be summarised—

(i) There is a class of tenant who is lower than the ordinary agricultural labourer *viz.*, the type who is serf to a money-lender. He pays high rent, so is certain of a vote if tenants get a vote at all.

(ii) A land revenue electoral roll would never be up to date. It would require three revisions a year.

(iii) A low standard that kept out no agriculturist who had or worked land would be grossly unfair to the non-agriculturist and a standard that appreciably reduced the electorate would have to vary from place to place.

(iv) It would be impossible for Government to prepare an electoral roll that was even approximately correct. Even as regards agriculturists it would have to be supplemented by applications to be placed on the roll.

(v) It would have to be supplemented by other qualifications for non-agriculturists in rural areas.

(vi) No land revenue rolls exist for a large areas in Magwe and elsewhere. The Commissioner of Settlements and Land Records recently reported that 20 per cent. of the cultivated area in Magwe was under fixed assessment (I distrust the figure but it is as quoted).

10. In advocating *thathameda* and capitation as the standard I do so with the reservation that literacy should be insisted on—not in order to place a name on the electoral roll but before the right to vote could be actually exercised. I would not give each candidate a totem and let the voter put a ball in a box bearing the totem. On the other hand I would have the boxes with the names of the candidates painted on them and would continually shift their position so that the voter would have to read the candidates named. I would also make him sign a voting paper and put a cross against his candidate. This would weed out the most illiterate by means of spoiled papers. If possible I should prefer that the voter should sign his name and add his address and the date. This would eliminate a considerable number who have learned to draw their signature but cannot write anything more.

11. A fixed area of land as a qualification is not possible. A family can comfortably live on $\frac{1}{4}$ acre of betel vine, whereas there are lakhs of acres in the dry zone which are worked once in five years. In parts of Prome 3 acres is probably the average area held by the cultivator who ekes out his paddy cultivation by a fine variety of semi-agricultural pursuits, e.g. cattle training, carting, toddy climbing, not to mention weaving and cattle theft. In the Pegu paddy plain the average area worked by a cultivator was 80 acres.

I may add that where the capitation or *thathameda* roll shows a person as exempt on account of poverty I would not give him a vote. I would also not include in the electoral

roll any person who paid his capitation or *thathameda* on a blank tax ticket unless he applied to be placed on the roll. Collections on blank tickets almost always denote that the assessee is not a resident. If he was a resident he could apply to be placed on the roll if he wished. As regards women voters, they pay *thathameda* in Upper Burma if they are heads of households and I should have no objection to assessing female heads of households to capitation in Lower Burma and giving them the vote to the same extent. (The Act would need amending of course.)

Capitation of course includes land rate in lieu of capitation and also income-tax.

2. MR. J. L. MCCALLUM, I.C.S., DEPUTY COMMISSIONER, MEIKTILA.

1. Yes, both for the province and for Meiktila District. I do not think there is any half-way house between an electorate composed of the members of Circle Boards and District Councils and an electorate composed of the whole of the capitation-tax and *thathameda* payers. The argument of enfranchising only the "politically conscious" will not hold water. You will exclude as many politically conscious by a high revenue franchise as you include politically unconscious by a *thathameda* franchise. With a high property franchise you will create unnecessary and invidious distinctions. In this district we have:—

87 Circle Board members.

451 persons who pay Rs. 50 land revenue and above

11,000 persons who pay Rs. 10 land revenue and above

50,000 persons who pay *thathameda*.

The 50,000 are just as capable or incapable of voting as the 11,000. The politically conscious persons in this district at present may number about 50; the potentially politically conscious are the whole of the 50,000 and they should all be given the franchise.

2. Yes. I think it would be a great practical advantage to have the same electoral roll for Circle Boards and the Legislative Council. It would be simpler and more easily understandable by the people, whereas different rolls would confuse them. It would be easier for the electoral authorities to compile and would be less expensive. The age is rather low, but 18 has already been legislated for the Circle Boards and we can hardly restrict that again. A man in Upper Burma has to be head of a household before he is assessed, and also in practice he would always be older than 18 when he came to vote, as the register is prepared on old revenue rolls some time in advance.

3. (1) Drawing up electoral rolls will be comparatively easy for the two constituencies—

(a) Circle Board members.

(b) *Thathameda* payers.

For the other constituencies proposed it would be so difficult as to be impossible, *i.e.*, provided that a correct register is wanted.

(2) This will depend upon the situation of the polling-stations. Obviously, if the centre selected is the same as that for the election of Circle Board representatives, there will be no more difficulty than there will be for a Circle Board election. If the centre is the township headquarters, there will be considerably greater difficulty. Polling will have to be extended over three or four days. The average number of voters for a rural constituency in my district is about 635; and these could easily be polled in a day. The number of voters per township will be nearly 7,000.

4. No.

5. If payment of land revenue is adopted as the main qualification, I should allow payment of any land revenue to qualify.

6. (a) Tenants.

Where they paid land revenue they would presumably be qualified. The custom in this district is partnership tenancies, each paying half revenue. Where a tenant did not pay land revenue, the only alternative I see is to disfranchise him or her.

(b) Disfranchise.

7. To second part "Yes."

8. No answer.

9. No answer.

10. No. Illiteracy would be impossible to prove as every voter can write his name or could easily learn to do so.

11. No.

3. MR. E. H. JONES, I.C.S., OFFICIATING EXCISE COMMISSIONER, BURMA.

1. I consider that the property qualification of the electorate should be on as wide a basis as possible consonant with the necessity of its not being too wide to ensure that the voter has some real stake in the country. Capitation and *thathameda* give a basis wide enough, in my opinion, to include every person in the country who is competent to use a vote. I can see no other general basis except manhood suffrage which would achieve this. At the same time on principle I do not consider that the property qualification alone ought to be sufficient

to entitle a man to a vote. The *thathameda* and capitation-tax basis, while it would include probably all citizens who are competent to use the vote, would also include large numbers who, in my opinion, are absolutely incompetent, *e.g.*, large numbers of birds of passage whose interest in the country is purely ephemeral—a matter of a short visit—and whose knowledge of Burma and of the needs of the country is *nil*; and also large numbers of totally uneducated and unsophisticated country people who have no idea of what a vote means, much less how to use it. My support of Government's proposal of the capitation-tax basis is therefore qualified to this extent: if this is taken as a basis it will be essential to devise means for the elimination of the politically unfit from the large number which such a wide basis would enfranchise. At the same time I would lay down on principle that any system of elimination must be an elastic one. There must be no final shutting of the door. I would therefore require as a minimum from the citizen who is to be allowed to vote the following qualifications:—

- (i) The low property qualification of the capitation-tax and *thathameda*.
 - (ii) Residence in the country for a period long enough to allow of presumption that he has some knowledge at least of the country in which he is voting, and some definite stake in the country.
 - (iii) Literacy This test would be automatic and would be decided by spoiled ballot papers.
 - (iv) A demand from the citizen to be registered as a voter. With regard to this fourth point, I object very strongly to the proposal that officials alone should be responsible for the completeness of the electoral roll. Such a procedure would place the Government, whose officials do the work, in an invidious and dangerous position. If a man has not sufficient interest to ask that his name be registered as a voter his name should not be on the electoral roll. At the same time I would make it the duty of the officials to see that once a man has been registered as a voter his name remains on the register as such so long as he continues paying taxes or at least for a very considerable period of time. That is to say, he would not be expected to repeat his demand every year.
2. I consider that the two rolls should remain distinct and independent. I do not consider that the district, which is an administrative unit, will necessarily be the best political unit.
 3. (1) No. It will entail a good deal of clerical work and that, I think, is all.
(2) Yes, if the literacy test is absent. The ball, box and totem suggestion would involve an enormous amount of explanation by word of mouth, and therefore an enormous staff.
 4. No. Apart from practical difficulties such a system would base the franchise on landlordism.
 5. If payment of land revenue is adopted as a main qualification I would allow payment of any land revenue whatever to qualify.
 6. I can see no satisfactory solution except *thathameda* and capitation-tax.
 - 7, 8 and 9. I am altogether against the land revenue solution. A main basis which from the commencement requires a large number of rules and regulations to cover cases which cannot rest on that main basis is unsound. The correct principle, in my opinion, is to begin with the widest possible common basis and, as I have said above, eliminate the unfit from the numbers who would come in on this basis.
 10. Yes. I consider it both advisable and practicable, particularly so if the system of representation adopted be proportionate representation with a single transferable vote. The act of voting on this system would form an adequate test of literacy.
 11. I consider the proposal both inadvisable and impracticable. I would reject the suggestion for similar reasons to those which have led me to reject the land revenue proposal.

4.—MAUNG SHWE THA, K.S.M., DEPUTY COMMISSIONER, SAGAING.

1. I do not think it advisable to adopt the scheme based on the wide basis of *thathameda* and capitation. The reasons against the scheme are that, as I have already mentioned before in my notes, the number of electors is almost unwieldy and will include those classes of people who do not take interest in the matter. I had already given an alternative in my previous note but even that would give a very wide electorate.

I suggest the following as a better alternative:—

To restrict the vote to—

- I. Land owning class of people who have at least 50 acres in Lower Burma or 30 acres in Upper Burma;
or to those who are actually engaged in working lands, including tenants, who employ four ploughs with four pairs of plough cattle in Lower Burma, and two ploughs with two pairs of plough cattle in Upper Burma, and,
- II. for remaining classes outside Municipal areas, to those who own immoveable property of the value of not less than Rs. 500 or those who occupy houses with a monthly rental value of not less than Rs. 10, and

III. besides the above qualifications, the voters must be literate.

NOTE.—In fixing different standards for Upper and Lower Burma as regard area of land and the number of ploughs and cattle I have in mind the fact that in Upper Burma almost all the cultivators work a small area of land which could be worked more than once annually and which gives on that account sufficient produce for the maintenance of their families, whereas in Lower Burma lands could be worked only once a year and the expenses are heavier than in Upper Burma. Furthermore, the produce from land of about 50 acres is just sufficient to meet both ends in a family in Lower Burma.

As regards literacy, generally unless a man is literate his exercise of the right to vote is of very little value, if not dangerous.

2. Yes, this will simplify work for both the Board and the Council. Moreover it will be more advantageous as it will be easier for the people to understand.

3. (i) There will be no difficulty in drawing up electoral rolls if the ages of the assesses are entered in the assessment rolls. (ii) Yes, there may be some difficulty as the electorate is very wide and as it will include all classes of people both literate and illiterate who do not know the value of the vote.

4. Please see my note above on this point.

5. Please see my answer to question No. 1. I have adopted the area as the basis as the amount of land revenue paid is too unstable a factor to be adopted. Both in Lower and Upper Burma no assessments are made in the case of wide failure of crops and in Upper Burma the assessments vary from year to year.

6. This has been discussed in my answer to question No. 1.

7. I have adopted the area of land as my basis, and I would restrict the area in which the land should lie to a village-tract instead of a *kwin*. However, those who own land in different village-tracts, if left out, could apply for entry of their names.

8. Please refer to my answer to question No. 5.

9. Please refer to my answer to question No. 5.

10. Yes, provided *thathameda* and capitation are adopted.

11. Please refer to my answer to question No. 1.

5.—Mr. D. F. CHALMERS, I.C.S., DEPUTY COMMISSIONER, THATŌN.

1. The electorate should be on as wide a basis as possible, otherwise there will be continual agitation for extension of the franchise. In the *thathameda* and capitation list, we have registers of comparative accuracy. But I would place restrictions, the tax payer must be literate in his mother tongue. This will disfranchise the floating population and the more backward people.

If this poll tax list is not considered sound, then a land revenue basis is left: but there are great difficulties here as the qualification would have to vary from district to district.

A qualification that would suit Insein and Hanthawaddy would disfranchise people just as intelligent and worthy in Tharrawaddy. The Prome people would be even worse off.

It would mean searching in our records, and all land revenue would have to be taken into consideration. Then the qualification between Upper and Lower Burma would have to differ on account of fluctuating assessments and seasonal differences.

There are other difficulties in irrigated tracts.

2. There is no particular advantage in having two electoral rolls. A higher age limit for Circle Boards until the elector had gained experience would be advisable. The ages might be 21 and 26 or, if these give to unwieldy electorates, they could be raised.

3. The electoral rolls could be prepared if a trained staff is put on to the job: but some sort of Appellate Court will have to be entertained. The bar is politically inclined and would doubtless take jobs as revising barristers?

I can see great difficulty in conducting the elections both for District Boards and Legislative Councils. The lack of enthusiasm in Municipal elections (just over) will be a dead weight when it comes to rural areas. When we find at the elections of *Thugy's*—a personal affair and candidates known,—a thing in which every villager ought to be interested—that about only one-third turn up for the election in the village after beat of gong, I cannot hold out much hope for enthusiasm over District Board and Legislative Council elections, unless of course one candidate promises the abolition of taxation, the Gambling Act and the police force. He would stand a good chance of election.

4. I don't prefer the payment of land revenue as it would disfranchise shop-keepers, tenants (where tenants do not pay the land revenue) and labourers. It would be complex in the qualification limits.

5. If land revenue is adopted it will have to vary with the agricultural conditions of the district, as already noted. I don't think we need go below the district as a unit.

6. We have a register of tenants, and in many cases the tenant pays the land revenue; he is liable for the revenue, if his landlord defaults. It would be possible to show the tenant as an occupier.

You will be forced back to the capitation or *thathameda* list to get the shop-keeper and labourer, hence I would adopt it to begin with.

7. I would not tie a man's qualification down to one *kwin*. He may have a holding lying on the border, divided between two *kwins*, and so be disfranchised. But if the elector were consulted in the compilation of the lists, he might be asked to produce all his tax tickets, and an enquiry then would show if he was qualified by including tickets for all holdings in whatever *kwin*.

Holdings are continually changing hands. How is the electoral roll to be revised? I feel that few, if any, will apply for their names to be put on the electoral roll.

8. I don't accept a land revenue basis. Why should the fact that a man possesses a certain form of property be considered as a sign of his political wisdom? I have not given the matter sufficient thought to venture an opinion, but it ought to be possible from Settlement Reports to work out the area of an average holding and the average revenue paid. If this gave too large an electorate, then the qualification will have to be raised.

9. The land revenue qualification will give you an electorate that will object every time against enhancement of land revenue, though economically the proposal is sound. You will really get down to a permanent settlement, and it will be most difficult to get tenant legislation through, it matters not how necessary it may be.

10. I think a combination of capitation and *thathameda* plus literacy, plus age, is the soundest basis. The Census Commissioner could throw much light on the last factor in the size of the electorate likely to result by taking any age period.

11. I don't accept the proposals in paragraph 11.

6.—Mr. H. CLAYTON, C.I.E., I.C.S., OFFICIATING COMMISSIONER, IRRAWADDY DIVISION.

1. I consider the adoption of the wide basis proposed by the Local Government inadvisable. My reasons have been set forth in paragraph 6 of my precis of evidence. The alternative that I propose is set forth in paragraph 8 of the same precis.

2. The advantage in having the same electoral roll for Circle Boards and the Legislative Council is in my opinion entirely counterbalanced by the political disadvantages which must result from such an extended electorate.

3. Any alteration of the age of electors would cause considerable difficulty. On the other hand electoral rolls and elections will have to be conducted for Circle Boards and I see no particular reason why they could not be conducted in the same way for the Legislative Council supposing such a course be desirable.

4. I do not consider the payment of land revenue to be the best qualification for an elector. But it is possible by this means to secure the restriction of the vote to classes possessing a stake in the country and already possessing or being likely to develop a reasonable amount of political sagacity.

5. The qualification must necessarily be limited to the payment of land revenue over a certain amount. The objection to the land revenue qualification is that it is practically impossible to fix a uniform amount for the province and an attempt to vary the amount by districts would not only be complicated but would necessarily lead to considerable inequalities. The adoption of any smaller territorial unit would, I think, be altogether too complicated to be of any use. I do not go into details, but there are districts, especially those in Upper Burma where a portion of the district is irrigated from major canals, where the rate of land revenue per acre varies very considerably.

6. Tenants can be provided for by adopting a certain acreage held under rent as the qualification; and non-agriculturists, such as shop-keepers and petty traders in towns, would probably be dealt with by having a qualification based on the rental value of their houses.

7. I think the method described in the last sentence of this paragraph would be sufficient.

8. It is exactly the difficulty of ascertaining the amounts to be fixed either for the province or for each district or other unit which makes me unwilling to see land revenue adopted as the main qualification.

9. Having discarded the land revenue qualification as unsuitable on general grounds I have not considered the further difficulties that might arise in the case of its adoption. The present questionnaire has arrived too late for me to undertake that task now.

10. I consider this proposal inadvisable and also impracticable.

11. This is the proposal contained in paragraph 8 of my précis. I regard it as important that the qualification should be the same for the whole province and not separately fixed for each district. I consider the adoption of the proposal contained in my précis both advisable and practicable.

7.—MAUNG PO HLA, K.S.M., A.T.M., OFFICIATING DEPUTY COMMISSIONER, PYAPON.

1. Yes, I would justify the basis on the ground that this is the simplest way, entailing no extra labour, as we have ready made rolls of *thathameda* and capitation-tax assessments. Moreover, this basis will secure as broad a franchise as possible.

2. I am inclined to think that there will be a great advantage in having the same electoral roll for the Circle Boards under the Local Self-Government Act, and for the

Legislative Council, as it will save much work. But I do not think it advisable to modify the age of electors as suggested by the Local Government. According to the Burmese Buddhist Law, the age of majority is fixed at 18. Moreover, if the age limit be raised to 21 in case of electors for the Legislative Council, it means extra labour, as enquiries will have to be made as to which of the tax-payers have attained the said age. As a Burman of 18 years of age is now-a-days generally intelligent, I do not see any good reason for raising the age to 21 years.

3. (i) No, for the electoral rolls can be easily based on the ready made rolls of *thathameda*, capitation-tax, income-tax and land revenue assessments. Later on when taxes are levied under section 26 of the Rural Self-Government Act, there will be rolls prepared for every Circle Board containing the names of all persons on whom such taxes are levied. Thus there is no need for making enquiries in the preparation of the electoral rolls.

(ii) No. Every township headquarters should be a place for conducting elections for the Legislative Council.

4. No. It will entail much labour and it is also difficult to fix a definite standard for the whole province. To fix different standards for each district, besides entailing much work, would seem to be arbitrary.

5. If payment of land revenue is adopted as the main qualification, I would for reasons stated in answer 4 allow payment of any kind of land revenue of any amount to qualify.

6. (a) If payment of land revenue is fixed as a qualification, tenants must also be entitled to vote. In that case, information regarding them can be obtained from the land revenue assessment rolls, wherein the names of the tenants are also shown.

(b) Non-agriculturists, especially shop-keepers and petty traders, with special reference to towns included in the rural electorates.

In the case of people owning houses and house-sites and paying land revenue or land rate or lease rent there can be no difficulty. But as for those who are mere tenants, special rolls will have to be prepared for them. The minimum rent to be fixed in their case should be Rs. 48 per annum.

7. I do not consider that a definite amount of land revenue should be fixed as the main qualification. If however it is considered that such an amount should be fixed, I would be of opinion that an amount should be fixed for each district. In that case, the land revenue assessment rolls will have to be carefully studied to arrive at a certain minimum amount, by which all those who ought to be on the electoral rolls can secure their place therein.

9. No. I see no other difficulty at present.

10. I am inclined to state that this suggestion has appealed to me more than any other suggestion. It appears to be the simplest way. Moreover, it will ensure as wide a franchise as possible. In my opinion it is advisable and practicable.

11. No. It will prove to be full of difficulties as enquiries will have to be instituted on a large scale.

8.—MR. C. MORGAN WEBB, C.I.E., I.C.S., CHAIRMAN, RANGOON DEVELOPMENT TRUST.

1. I consider it advisable that the qualifications of the electorate for the Legislative Council should be on the wide basis proposed by the Local Government. The following are my grounds:—

(i) Burma is a province quite distinct from India, so that any Indian precedents as regards size of the electorate may be disregarded.

(ii) The high standard of literacy in Burma.

(iii) The absence of class or caste distinction in Burma, rendering any formation of a restricted electorate a purely artificial creation, not corresponding with any natural division to be found in the province. Apart from racial divisions, which I consider to be very marked in Burma, there is a uniformity and homogeneity of social classes throughout the province, difficult to reconcile with a very restricted electorate.

I consider the wide electorate to be something of a leap in the dark. But Reforms in India generally are a series of leaps into the dark. I would trust a wide electorate in Burma as readily as I would trust a restricted electorate. I do not consider the members of a restricted electorate will have any more political wisdom or judgment than the members of a wide electorate.

2. I consider it a great advantage to have the same electoral roll for the Circle Boards under the Local Self-Government Act and for the Legislative Council.

3. I see no difficulty:—

(i) in drawing up the electoral rolls;

(ii) in conducting the elections for the Legislative Council;

on the basis of the Local Government's proposals as so modified.

4. I do not prefer the payment of land revenue as the main qualification of an elector rather than the payment of capitation-tax or *thathameda*. Any such payment at whatever

level it might be fixed, would create a purely artificial distinction, having no connection with the reality, or with any natural divisions of classes in the Province.

5. If payment of land revenue is adopted as the main qualification, I should limit the qualification to the payment of land revenue of a certain amount. I would not fix a uniform amount for the Province. I would vary the amount by districts. I should fix the qualification for each district at such a figure that the number of electors would be roughly in proportion to the total population of the district.

6. If payment of land revenue is fixed as a qualification, I would provide for tenants by making the qualification for a tenant the payment of a rent in some definite proportion to the amount of land revenue fixed as the qualification for a landowning elector in that district.

As regards shop-keepers, petty traders and non-agriculturists generally, some qualification based on Municipal rating will have to be fixed, as nearly as possible to correspond with the land owning qualification for the district concerned. Personally, I consider the difficulties of fixing such qualifications form a strong argument against permitting the payment of land revenue to be a basis of the qualification for an electorate.

7. I do not think it matters much how the difficulty mentioned in question No. 7 is solved in theory. In practice, it will be an insuperable obstacle and the landlord or tenant, owning or cultivating in more than one *kwin*, will in effect be disqualified in the great majority of cases, unless he reaches the prescribed standard on his cultivation in one particular *kwin*.

8. As I do not recommend land revenue as a qualification, I do not think it is intended I should reply to question No. 8.

9. Apart from the practical and other difficulties I have specified, I consider that the adoption of a land revenue qualification as the basis of the electoral roll is open to the grave objection that it makes a purely artificial distinction where none actually exists.

10. It practically, I consider the payment of capitation or *thathameda*, plus literacy, would be the best basis for the electoral qualification. I do not advise its adoption because of the practical difficulties of carrying it out. There would be opportunities for an immense amount of deception in applying any tests of literacy. If I thought the tests could be of practical application, I would recommend this solution. I refrain from recommending it solely because of its want of practicability.

11. Ownership or occupancy of land of a certain fixed area would, in my opinion, be a much more practicable basis for an electoral roll than the payment of a certain amount of land revenue. But though more feasible than a land revenue qualification, I do not recommend an area qualification for adoption. Land differs so very greatly in quality, value and importance, even in the same district, that an electoral roll basis on area only would be full of anomalies.

9.—Mr. S. G. GRANTHAM, I.C.S., SUPERINTENDENT OF CENSUS OPERATIONS, BURMA.

1. Yes.

I think the main advantages of democratic Government are (1) the mental training and development it confers on those who take part in it to the extent of using their votes; (2) its psychological effect upon all who have a right to take part in it to that extent; (3) the guidance furnished to the actual administrators by the more orderly and prompt expression of public opinion than is possible under other systems. The first will generally accrue to more people if the electoral basis is widened. Even if an extension of the franchise brings in large numbers who do not use their votes, that is no objection to the extension; those who do not use their votes make no difference, while those who do use them will be as leaven amongst the others, gradually educating them politically. Otherwise education arises eventually through the stimulus of discontent. And it is inevitable then that if any race or class has special advantages of any kind, whether deserved or not the discontent will be expressed in antipathy to that race or class. The second advantage, however, accrues even when large masses do not use their votes. (By "not using votes," I mean merely remaining indifferent to them, not resolutely boycotting the polls as a protest against the whole system.) Even if the policy of the community is in fact controlled by hidden financial or other forces, whenever there is a feeling of oppression there is still a feeling amongst those who could vote if they chose that there is a way to an improved state of affairs, and this reduces the irritation in proportion to the number who have the feeling, that is, in proportion to the width of the electoral basis. It also affords the leaders of the movement which naturally arises to remove the oppression an orderly procedure of education of voters instead of the three lines which are followed under a non-democratic system—namely, secret plotting humiliating pleading and angry abuse.

It is not a sound objection that a large part of a wide electorate will not be able to exercise its power intelligently. That has been the case with every electorate that has ever been constituted. It is the duty of the educated classes to explain their ideas so that they can be appreciated by the less educated. Proposals which are too complex for this can very well wait until they are appreciated. Generally the necessity of explaining

proposals clearly will lead to their improvement, and though it cannot prevent it, will tend to diminish legislation for the benefit of the wealthy.

Moreover, there will certainly be great irritation caused amongst Burmans unless the basis of the electorate is as wide as that proposed by the Local Government, and even if a narrower basis had other advantages these would be more than neutralised by this.

In fact the basis ought to be wider. Paragraph 16 of the Local Government's Note on the subject appears a little disingenuous in its declaration that there will be no disfranchisement on account of sex. In practice the proposals would exclude nearly every woman, although it would generally be open to families paying land revenue to have part of the land assessed (or rented) in the name of the husband and part in that of the wife. Marriage and polygamy are entirely irrelevant matters in considering a woman's right to a vote; a woman can no more be held to forfeit her right to a vote because she shares her husband with another woman than can her husband on the ground that he divides himself between two women. The trouble seems to be a curious superstition that husband and wife should not have two votes. This entirely ignores the fact that husband and wife are still two individuals with two "streams of feelings." If they both approve or object to a proposal they should have the power to give two votes for or against. The widening of the electorate to include women, though large when judged numerically, would not add greatly to the difficulty of conducting an election; it would disarm much opposition to any narrowing of the electorate which is likely to be considered.

I have suggested above that women who desire to exercise a vote can probably obtain the right by having part of the land jointly owned by them with their husbands assessed in their own name. There are possibly difficulties about this, but in any case there is no similar device open to the classes who qualify by payment of income-tax instead of land revenue; and these classes are precisely those amongst whom the question is of greatest importance.

The recent activity relating to votes for women in India should be noticed. The difference between Burma and India is such that if the idea can be mentioned in India, Burma is ripe for it.

I would prefer to state the qualification differently by requiring only residence in Burma for a prescribed minimum period, and age to exceed 18 irrespective of sex, taking the payment of *thatham da* or capitation tax as the easiest proof of age and adopting 18 because any other age would cause more difficulties in proving it. Incidentally, there is a minor difference between qualification by capitation tax and by *thathameda*. In Lower Burma capitation tax is paid by every male over 18, whereas in Upper Burma *thathameda* is paid by a household; so that a son aged 20 living with his parents would qualify for a vote in Lower Burma and not in Upper Burma. At age 25 the majority of men (and at age 20 the majority of women) are married; but at age 22 about one-half the men are still not married.

2. Yes. There are obvious administrative advantages in constructing one roll instead of several. There is also the advantage of simplicity for the electors. It would indeed be a bad mistake to have different qualifications. The electorate has a great deal to learn anyhow; and as far as possible all these inessential difficulties should be removed, so that the attention of electors can be given solely to the effect of their votes. No harm in substituting age 18 for 21. It avoids difficulty by making the payment of capitation tax sufficient evidence of age, as it is unlikely that anybody will buy votes on a large scale at such a price that boys below 18 will ask to be assessed to the tax.

3. No insuperable difficulties. The work may not be done perfectly at first; the roll will be built up in time.

4. No. I object to the idea that a man who pays land-revenue has a larger stake in the country than one who does not; every man and every woman has one stake in the country which outweighs all the property qualifications which can be proposed, namely, his whole life as affected both by material and by moral forces. The additional stake of a merchant or land-holder is trifling compared with that, even if it really is anything at all. Also, with land revenue as the main qualification there will be more complex alternative qualifications required.

5. As I advocate a wide electorate I should allow the payment of any amount of land-revenue to qualify. This would open the way for any person to arrange for portions of his land to be assessed in different names so as to secure a large number of votes under his control. (He would take no risk if he had them assessed as revenue-paying tenants.) If a minimum were fixed, it would reduce the extent to which this might be practised without reducing the number of persons profiting by the advantages noted in the reply to the first question. But I do not think the abuse suggested would be carried to great lengths and I should prefer to risk it; if the evil appeared legislation could still be carried to meet it.

Another objection is that it is so difficult to compare a payment of Rs. 20 by the cultivator of 10 to 15 acres of very inferior paddy land with a payment of Rs. 50 by a neighbouring cultivator growing tobacco in the bed of a stream. The minimum would be unfair if it did not depend upon the subject of assessment as well as upon locality; this makes the selection of a minimum almost impossible.

In Lower Burma as well as in much of Upper Burma rates of land-revenue diminish steadily as the distance from the export market of Rangoon increases. Any fixed minimum would therefore tend to concentrate electors around Rangoon and make them get steadily rarer as the distance from Rangoon increases. Within a single district there would be a similar concentration near the railway line. If the minimum were fixed very low indeed this effect would be diminished; but then the minimum might as well not be imposed at all. See reply to No. 8.

6. (a) A tenant should be qualified if the revenue paid (by himself or his landlord) in respect of land he works exceeds the minimum fixed as a qualification. The objection that both landlord and tenant would derive votes from the same land is of no weight unless the tenants are merely nominal tenants put in to be voteholders. The best way of avoiding this abuse is to leave land revenue out of the matter altogether.

(b) Income-tax would naturally take the place of land-revenue as a qualification for all those who paid it. But some lower qualification is required; probably municipal rates would satisfy as a criterion if capitation tax and *thathameda* are not accepted.

7. I would not condemn the proposed plan as insufficient. But I would still tell the compilers of the roll to include as far as possible persons whose qualification was derived from different *kwins*. A revenue surveyor would naturally be employed to prepare such a roll, and as he went through the registers he could include the names of persons he knew to be qualified by land within his own charge. There would be some omissions still, but the labour of amending the roll would be immensely reduced. Besides, people omitted would be apt to think the omission was due to some sinister influence and it is as well to avoid this feeling. There would be a few duplications but not many, and these would get right in time; plural voting on any scale can be prevented by simultaneous voting at all polling stations. Very few omissions would be caused and practically all duplication prevented if each revenue surveyor, besides ignoring holdings outside his charge, included only persons resident in his charge, whether qualified by a single holding or by the total of several holdings.

8. If a minimum must be fixed, I should fix it by townships at about the lowest revenue payable by a holding in outlying parts large enough to support an average family. The actual figures adopted in the first instance could be modified by the Council afterwards.

9. Land revenue (or land ownership) cannot supply a simple universal qualification. It is much better to take capitation tax or income tax in Lower Burma and *thathameda* or income tax in Upper Burma and have the single exemption-class of persons excused from these taxes on certain of the grounds which are stated in the Land and Revenue enactments; e.g., age over 60.

10. Neither advisable nor practicable. The suggestion is merely an embodiment of the conceit of the literate. I see no reason whatsoever for supposing that literate persons in present-day Burma form better opinions on matters brought before them than illiterate persons. In future the literate will have more things brought before them than the illiterate, and will be shown more aspects of them; but as this development progresses the number of illiterates will progressively decrease. Illiterates often have a deeper understanding of the things with which they are in daily contact than the literate whose attention is shared by many more matters. The illiterate generally tend to refrain from giving an opinion about things they do not know intimately; the literate are more apt to offer a superficial opinion in such cases. It is difficult also to justify any particular standard of literacy, or to apply it. Moreover, there is the same objection to this as to all other qualifications tending to limit the number of electors. See answer to No. 1.

11. This would still need to be elaborated to apply to different kinds of cultivation. In the Prome District one-tenth of an acre, used to grow betel-vines, can and does employ and support a family, and would hardly attain any alternative qualification other than capitation-tax.

10.—MR. C. F. GRANT, I.C.S., DEPUTY COMMISSIONER, MANDALAY.

1. I consider that the basis for the franchise proposed by the Local Government is advisable. Its justification is that it is wide, can be understood by the people and follows a definite principle.

I gather that the objections to a wide original franchise are partly based on the political history of Great Britain in the 19th century. Without going too far into generalities I have a certain sympathy with the view contained in the following quotation: "I venture to say that every man who is not presumably incapacitated by some consideration of personal unfitness or of political danger is entitled to come within the pale of the constitution."

The extension of the franchise in Great Britain in the 19th century was gradual for two reasons. The House of Commons was much more powerful than the Legislative Council will be, and each extension involved an attack on vested interests, not of the existing constituencies so much as of the existing representatives who could get elected on the existing register and were not so sure of their position on a new one. Neither of these

considerations can be applied to Burma. Safeguards have been put in at another stage, namely by the temporary retention of subjects that affect "security" in its widest sense outside the scope of the Council's powers. I see no reason for a duplicate system of safeguards. Secondly, there are no vested interests of existing constituencies to be taken into consideration. Voting at elections is the recognised way of expressing an opinion on the Government of the country. People who may not vote may find in this lack of opportunity an excuse for the *hartal* and boycott.

The only possible way of educating the people politically seems to be give them the vote to exercise themselves on. I consider that a large uneducated electorate is better than a small uneducated one. Qualification by payment of a small sum of land revenue will not yield an electorate of higher education and broader outlook than the one the Local Government has proposed. It will simply be a limitation for limitation's sake. Any land revenue qualification that would be high enough to ensure an electorate of better quality would so limit that electorate as to defeat the educative purpose of this preliminary period.

The other objection is the size of the constituencies and the number of voters per member. This difficulty has apparently operated to limit the franchise in India. I admit that the constituencies will in some cases be difficult to handle from their size and their lack of communications, but they are not unmanageable, and it is not necessary to suppose that the Burmese electorate will expect or obtain all the methods of canvassing which we are accustomed to and on which we may perhaps be inclined to lay too much stress. In extreme cases the solution is to make a reasonable increase in the number of members. Until the Council can be considerably enlarged there is a good deal, in my opinion, to be said in favour of elections once every five years.

2. There are advantages in having practically the same electorate for the Circle Boards and for the Legislative Council. I would give no one under the age of twenty-five years a vote for the Legislative Council. My reason is that the Burman develops late, and though literate the standard of education is not high, and his judgment at present can only be matured by experience of life.

3 (1) I see no insuperable difficulties.

(2) I see no insuperable difficulties.

4. No.

5. I would leave the working out of a scheme of qualification by payment of land revenue to those who are in favour of it. I shall be very glad to give my opinion, if asked, on any scheme that is advanced. Unless one goes into absolute details, the letter of the Local Government contains a convincing statement of the main difficulties, to which I have nothing of importance to add.

6. I refer to my answer to question No. 5 above.

7. I would accept the proposal contained in the second part of this question.

8. I would take a fixed amount of land revenue as a qualification and apply it to the province generally. I have nothing to say in favour of fancy franchises for each district.

9. I would prefer to answer questions on this point rather than write at great length explaining and detailing the different kinds of difficulties that will be encountered.

10. A standard of literacy can only be fixed satisfactorily by examination. If Government were prepared to hold a Standard III examination all over the province and to announce that after, say 1930 (assuming age qualification to be twenty-one years), no one would be registered as a voter who had not passed Standard III the effect on the country and the electorate might be considerable. Considering that disuse of the learning acquired in early childhood not infrequently robs the villager of all but a nominal claim to be called literate in middle life just when his judgment is becoming of value, I have not much opinion of the immediate usefulness of the proposal. I would deprecate any attempt to find the solution to the question of woman's suffrage in a consideration of minor and temporary importance like literacy.

11. I consider this proposal inadvisable but practicable if sufficient extra staff were employed and sufficient time allowed. Either of the two systems proposed would produce an enormous crop of anomalies, so I would prefer not to attempt to discriminate between districts.

11.—MR. J. S. FURNIVALL, I.C.S., COMMISSIONER OF SETTLEMENTS AND LAND RECORDS, BURMA.

(Marginal references are to the Joint Report unless otherwise stated.)

(1) I regard the proposal of the Local Government to initiate constitutional reforms with a wide franchise as certain to entail disaster. The main grounds of my objections are that it would block the only line of approach to responsible government, and would endanger public security. The proposal is to enfranchise about 2 millions in a population of about 12 millions. That is a larger proportion of the population than possessed the franchise in England until the passing of the Representation of the People Act in 1918. From 1832 to 1867, the proportion of voters to population was 1 in 24; the "leap in the

Outlines of
Central
Government
of England,
p. 19. J. J.
Clarke.

Report of
Franchise
Committee
paragraph
II Madras.
Population
39,827,885
total
electors
542,000.
India in
1920, p. 248.
Appendix
III.

dark" of 1867 reduced the proportion to 1 in 12; the Reform Act of 1885 reduced it to 1 in 7. The Local Government proposes that here in Burma we shall start with 1 in 6. Obviously such a step requires most anxious consideration and convincing arguments but the papers which have been published fail to indicate that the full import of the proposal has been thoroughly explored. It is suggested that the possibilities of corruption decrease in proportion as the electorate is enlarged. That proposition is unsustainable. To many politics are the product of large electorates with voters who have no value for their vote, except its market value. The only other positive ground alleged is that, because literacy in Burma is two and a half times higher than in Madras, the proportion enfranchised should be more than ten times as large. It is difficult to take such reasons seriously, and they entirely fail to justify so tremendous an experiment.

In another respect comparison with Indian conditions is instructive. Even with the restricted electorates of India, no more than 20 to 30 per cent. of people with the franchise actually voted. In Assam where in many ways conditions resemble most closely those of Burma the proportion was little more than 15 per cent. If the proportion of votes polled in Burma were even to attain the proportion in Assam the number of people actually voting would exceed the number in any province of India. It may be taken for certain that nothing like this will happen unless, by a negation of responsibility, the people are compelled to vote. The actual proportion of voters at municipal elections justifies the assumption that the proportion will be less, possibly much less, than 10 per cent.

Now consider what these figures mean; how they fit in with any conception of responsible government. We cannot endow people with responsibility merely by calling them responsible; the whole system will be a travesty of responsible government. In the name of responsible government we shall be establishing irresponsibility and anarchy. Political control will be vested in the masses who are not politically conscious and under normal conditions will make no attempt to exercise control. The bureaucracy will carry on. There will be new sources of friction but the machine will go on working. In name, Government will be responsible to the people of Burma as it is at present responsible to Parliament in England; but the people in general will take little more interest in the affairs of Government than Parliament does now. In effect, Government will remain, as it now is, irresponsible; except to the official conscience. The machine will carry on of its own momentum; there will be no ruler, no informing will, and the chronic anarchy which we endure at present will continue.

But under the new conditions anarchy may at any moment take on an acute form. Legal political control will be vested in the ninety per cent. who ordinarily do not exercise it. There will be moments of excitement among these when they will suddenly become interested in political affairs, just as now, at rare intervals, Parliament becomes aware of its responsibilities in India. But acts of Parliament become effective through Ministers and permanent officials and Committees and the Indian Services and the enthusiasm of political excitement in which an Act is born is tempered by the time it takes effect. In Burma it is not very difficult to stimulate the people to action, and every day the radius of common political enthusiasm is enlarged. We have had a lesson in the spontaneous boycott of the schools which spread over practically the whole country within a few days. If we have so totally lost our political instinct that we are blind to portents so manifest, we deserve the natural consequences of our blindness. Unfortunately, the people of Burma, for whom we are still responsible, will bear the brunt of them.

One argument for an extended franchise deserves examination. It may be contended, as in the Joint Report, that the exercise of responsibility calls forth the capacity for it. Even in that form the statement requires qualification. It is possible that the rural voter who finds himself "cajoled or bought or coerced into voting in a way that does himself no good" will gradually learn that in the vote "he has the means of protecting himself" But that is very doubtful. Consider for example the remark quoted by Mr. Graham Wallas from the Syndicalist of April 1912, "Whereas it is a comparatively easy thing to get men to go out on strike for the success of their unions—it is paradoxically almost impossible to get them to vote for a revolutionary candidate." Or take a sentence in a literary magazine that I have chanced on while writing these notes: "No sooner had the ideal been realised of 'one man, one vote' than it began to be seen that all votes were of no particular value."

This is just a casual epigram but its significance lies in the presentation as a casual remark and not as a political discovery. It is thrown off carelessly as a statement generally accepted because it is broadly true. Parliament was strongest when franchise was restricted. Thus, in Europe, where the people have believed that votes are valuable, and have struggled for the franchise, large numbers are disillusioned and have ceased to value them. In Burma the Local Government proposes as the first lesson in the political education of the Burman to ladle out votes by the bucketful, and make the franchise valuable by cheapening it. Any trader rendered insolvent by such a course would find a difficulty in obtaining his discharge because no judge would credit his good faith. The Burman knows that Rowe and Whiteaway do not sell their goods in that way. We start thus by teaching the Burman that the vote is worthless. Success can only be obtained by frankly and honestly, as openly and simply as possible, conferring political power on those who are politically minded.

The Great
Society, p.
384.

London
Mercury,
November
1921, p. 31.

Even this will not be finally successful if political power remains divorced from economic power. At present the Burman occupies an inferior position not only politically and socially but economically. If the Burman be endowed legally with political power while effective economic power remains in other hands the constitution will rest on a fiction which must inevitably strain it. But to cure that lies beyond the scope of the Committee. All that the Committee can accomplish directly is to eliminate unnecessary friction by restricting responsibility to those classes who are so far politically conscious as to demand the vote. Indirectly they will do more; the gift of political responsibility will improve the social position of the Burman. When in some sort Burmans once more own their country, their self-respect and social standing will improve with their political status and the two combined will react favourably on their economic situation. Indirectly therefore the Committee may go some way towards relieving the strain which a divorce between political and economic power will involve. But they can hope for no measure of success in this unless in the first instance they adhere closely to the principle of the Joint Report and construct their political machinery with the object of ensuring so far as possible that political responsibility is real.

Look at the matter again from another standpoint, taking the narrowest view from the standpoint of British interests. Our interest is wholly in security. Without security trade and the industrial development of the country stop short. That interest we share, it is almost the only interest we share, with the more wealthy classes. But a wide franchise creates a huge reservoir of power among the poorer classes, to whom this idea of security, since it means security for other people's goods, makes small appeal. They are not our natural allies. If we abandoned, or were turned out of, Burma the poorest classes would lose least because they have the least to lose; they could fend for themselves much as they do now, possibly, in the prevailing disorder, when the cultivation of large holdings for the export market relapsed into domestic agriculture, the tenant and labourer would be better off. That at any rate would be the golden prospect which the agitator, playing at once both on their enthusiasm and material interest, would hold out. It is true that in Europe the wide extension of the franchise has not entailed disastrous consequences. But in Europe the revolutionary agitator is working against the current of the common national impulse, in Burma the national feeling would assist him. It is essential to secure the country against anarchy during the period of transition until the Burman can assume complete responsibility. That is an obvious fact which the Burman political leaders can understand. Once they are convinced of our good faith they will be with us in the preservation of security and the maintenance of law and order. They do in fact realise this danger already. They see, even more clearly than many Government officers, that until the level of education and intelligence among the *pōngyis* recovers from the neglect of the past fifty years so that the order can resume the position to which a religious body charged with the function of education is naturally entitled in a healthy community, the real danger to the country lies in the monasteries. If we compel the politically minded classes to turn for assistance to the *pōngyis* the last chance of orderly development will have disappeared. In rejecting this class we are refusing to co-operate with the only people who do want what we profess to want.

We profess to be giving the people what they want. But they are suspicious of our intentions; the first necessity is to convince them of our honesty. We can only do that by giving them what we actually know they want. If we go beyond that and attempt to give them what we think they ought to want our intentions may be good and, in abstract political justice—if there is such a thing—our policy may be wise, but, simply because we have gone so far ahead that our end is beyond their sight, in practical effect our policy is foolish; for its successful issue depends on the co-operation of the people, which we shall not receive. In this matter of extending the franchise all the balance of commonsense is on the side of caution; if we go too slowly the people can always urge us onward but if we go too fast neither we nor they can remedy this, except by revolution. The franchise can always be extended, but once given, to resume it is almost impossible. If we sincerely intend to endow the people with responsibility, the responsibility of enlarging the franchise on the scale contemplated by the Local Government must be laid on them.

That is where our chance will come. The class which now criticises Government, if it obtains power, will be far more cautious and conservative than bureaucrats who have no stake in the country. If we can place this class in power and associate it with the responsibility and the criticism, we shall be able to join the opposition and assume, what most of us would claim as, fundamentally, the English view, the liberal attitude, join the agitators, encourage the demands for extension of the franchise and generally enjoy the fruits of opposition and the fun which is now reserved for Burman politicians. We shall certainly be able to give the agitator of the future a few tips on how to criticise and what to go for, and thus contribute to a better informed and more constructive criticism than we experience to-day.

Here then is the principle on which I would base the franchise. Grant responsibility, so far as is possible, to those classes that demand it, and, so far as practical, restrict it to those classes. That is the principle which the Joint Report lays down in plain language

for the guidance of the Committee. "The first step must be . . . a careful survey of all the material available in the province for an electorate." The Committee is to "measure the number of persons who can in different parts of the country be reasonably entrusted with the duties of citizenship." All this electoral architecture must inevitably be experimental and with new modification and development from time to time. If the Committee in their recommendations follow the lines adopted in the Joint Report they will plan a temporary building which may be comparatively insignificant, but they will firmly establish the foundation on the rock of real responsibility.

2 I do not quite understand this question. I take it to refer to the age limit. The local franchise is conferred on every male who is over 18, on the proposals in Government's note the minimum age for the provincial franchise is to be 21. I do not see how it would be possible to prepare the electoral roll on the basis of the capitation and *thathameda* taxes with the age-limit of 21. I regard this proposal as impracticable. It would be practicable to prepare an electoral roll on the basis of the capitation and *thathameda* taxes. There is, therefore, on merely practical grounds, an advantage in the amended proposals.

3. There would be little difficulty in drawing up the rolls. The conduct of elections would be more difficult than it looks. If a large proportion of the electorate vote the conduct of the elections will be almost impossible. If, as is much more probable, very few vote, the difficulties will not be serious.

4. Yes; on the grounds of the principle that we should measure the number of persons who can reasonably be entrusted with the duties of citizenship and enfranchise the politically minded. The land revenue qualification can be adjusted in accordance with this principle. However, I find it difficult to take seriously the proposition that we should enfranchise all boys over 17. Mr. Bridges who taught me Burmese taught me that physically the Burman matures early, mentally and morally he matures late. In my opinion that is broadly true. I never regard any Burman as free from the risk of jail until he is 30. He does not settle down until about that age. Even if that impression is mistaken the amended proposals are rather difficult to reconcile with recent pronouncements on the subject of politics for schoolboys and it would perhaps be well to take an early opportunity of cancelling several recent circulars regarding politics in schools.

5. I would take the payment of Rs. 50 as the limit in an ordinary delta district. This would be roughly equivalent to the ownership of 15 acres. It would ordinarily include all members of the politically-minded class who depend on agriculture and would certainly include the very large majority of them. It is possibly too inclusive and the limit might be higher. This standard corresponds generally with the standards adopted in the different provinces of India, but taking Indian provinces as a whole and allowing for the lower incidence per acre of land revenue in India, the standard is perhaps rather on the low side. There might be a lower standard of Rs. 25 or two lower standards, Rs. 30 and Rs. 15, for other districts outside the delta. In the dry zone I would get round the difficulty of fluctuating assessments by allowing the occupation of 15 acres directly held from Government to constitute an alternative qualification. This standard would quite possibly in the beginning result in uneven proportion of voters to population in different districts, but I would leave any district which was aggrieved on this ground to apply for special treatment. I would start on the safe side; it is always possible to extend and never possible to resume the franchise.

6. In general I should not enfranchise any class until their demand for the franchise became manifest. Consider the numerous theoretical difficulties which have been alleged in England against the enfranchisement of women; when the demand could no longer be resisted the practical difficulties became insignificant. Similarly, if the tenant or the shop-keeper urgently demanded the vote the difficulties would be thrashed out and a way to overcome them would be discovered. This is a difficult business, the initial preparation of an electoral roll for a country which has no electoral institutions; we are bound to make mistakes, let them be mistakes that can be remedied. The franchise can be extended but not resumed. And because it is a difficult business let us attack it where it is simplest. Start with landowners and enfranchise the tenants later; when they ask for it. And the labourers also; when they ask for it. When we who govern the country, and will govern it for many years much more effectively and efficiently than at present if we grant Home Rule wisely, are on the liberal, or progressive, or English side, whichever you like to call it, in political affairs, we shall have plenty of opportunities to stir up the unenfranchised and help them to find a solution to the practical difficulties of enfranchising them.

(a) As regards tenants in particular I would point out that the tenant as we understand the term in Burma is not enfranchised in the Central Provinces. Tenants are enfranchised there but these correspond to our ryots; the sub-tenants who correspond to our tenants do not seem to be enfranchised. I believe that tenants in the United Provinces correspond more nearly to our ryots than to our tenants. Neither in the Punjab nor in Sind are tenants enfranchised. Burma therefore would not be alone in omitting tenants on the first introduction of the scheme. In Burma there are especial difficulties in conferring the franchise on tenants, because, over the delta as a whole, practically 90 per cent. of the

tenants hold the same land for less than five years. The difficulty could probably be overcome but the method of surmounting it requires consideration. They have remained without the franchise since we occupied the country and they can quite well be allowed to wait a little longer until they demand the vote. The argument that they would be oppressed by a council of landlords is specious. But nothing has been done for their protection so far, so they will not be any worse off. If they are given a vote they will not use it nor know how to use it until we back them. We can teach them a good deal better by not giving it to them until, with our encouragement, they ask for it, than by giving them as something of no value.

(b) As regards shop-keepers, school teachers, clerks and lawyers, I would prefer to start with the income-tax limit for urban areas, and *thathamada* of, say, Rs. 25 or perhaps Rs. 15 in Upper Burma. But if that proposal is hopeless I would fix the limit at occupancy of a building paying rent of Rs. 10 a month, or assessed on that rental valuation, or if assessed on the covered area, on an assessment deemed to be equivalent to an assessment on a rental of Rs. 10 a month.

7. I would direct revenue surveyors to compile lists *kwin* by *kwin* somewhat in the form attached. Of their own knowledge they would cancel duplications so far as possible. Land Records Inspectors would check the lists which would then be published and entries could be cancelled or added on application. Persons who were only qualified on the aggregate of their holdings in several *kwins* should be required to apply for entry of their names.

8. I would vary the standard as was recommended by the Franchise Committee for Bombay, the United Provinces, Bihar and Orissa, the Central Provinces and Assam, and for landholders' constituencies in Bengal.

I advocate the inclusion of the politically-minded classes, who as producers have large but subordinate interests in the rice, cotton and groundnut trades, who send their sons to Anglo-Vernacular schools and who read the newspaper. As a simple method of including the large majority of these I would enfranchise the average landholder. To arrive at the qualification in land or revenue I would take an estimate framed by the Financial Commissioner after consultation with the Settlement Commissioner. There would probably be inequalities in the proportion of voters to population but this could be remedied.

9. The only difficulty which I can see is that in Upper Burma particularly a very considerable proportion of the land is held on mortgage with possession. The mortgagees pay the land revenue and would therefore be included in any roll based on the payment of land revenue. They would not necessarily be included in a roll prepared on the basis of registered ownership but this is a mere matter of drafting. The term "owner" could be defined so as to include mortgagees with possession and it could be prescribed that where an owner did not pay land revenue he should not be entitled to the vote on land registered as his property. That is only one suggestion for getting round the difficulty: quite possibly there are other expedients more suitable. No other difficulty occurs to me.

10. According to the Joint Report no one would propose to prescribe an educational qualification for the vote. Despite this remark I should rather like to see literacy as a qualification but regard it as utopian and impracticable.

11. As explained in my foregoing answers, I regard this as a useful alternative to the land revenue basis in areas where the assessment fluctuates. There do not seem to be objections of any weight against introducing ownership as an alternative qualification throughout the country: but, for reasons already given, I do not regard occupancy as suitable if it is to include tenants.

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